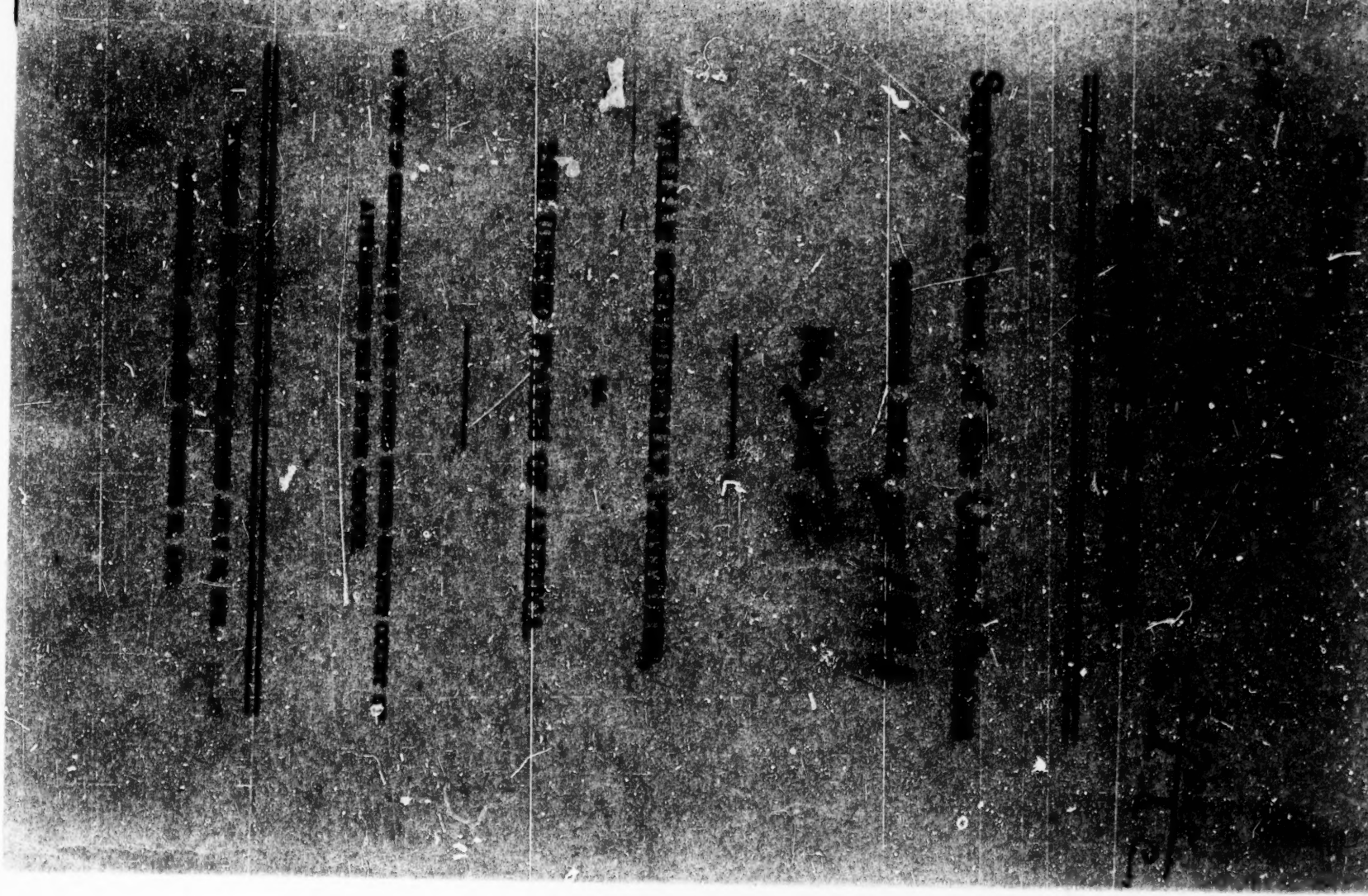

No. 9658

United States

Circuit Court of Appeals

For the Ninth Circuit.

WILLIAM SCHNEIDERMAN, also known as VELVEL SCHNEIDERMAN,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record

In Two Volumes

VOLUME I

Pages 1 to 476

Upon Appeal from the District Court of the United States for the Northern District of California, Southern Division.

PARKER PRINTING COMPANY, 345 SANSOME STREET, SAN FRANCISCO

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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In the Southern Division of the United States District Court for the Northern District of California

No. 21257-R

UNITED STATES OF AMERICA,
Petitioner,

vs.

WILLIAM SCHNEIDERMAN, also known as VELVEL SCHNEIDERMAN,
Respondent.

COMPLAINT

The United States of America, by Frank J. Hennessy, United States Attorney for the Northern District of California, brings this complaint under the provisions of section 15 of the Act of Congress approved June 29, 1906, (34 Stat. U. S. L. Part 1.

page 696) against William Schneiderman, also known as Velvel Schneiderman, and complains and says:

I.

That on the 10th day of June, 1927, the respondent, William Schneiderman, also known as Velvel Schneiderman, a native and former citizen of Russia, and a resident of the State of California, appeared before the United States District Court for the Southern District of California, Central Division, and by decree of said Court entered on the 10th day of June, 1927, was then and there admitted and [1*] declared to be a citizen of the United States of America, and a certificate of citizenship numbered 2608994 was thereupon issued to him by said court as documentary evidence of said naturalization.

II.

That by virtue and under the color of said decree of naturalization of William Schneiderman, also known as Velvel Schneiderman, as well as said certificate of citizenship No. 2608994, issued under and pursuant thereto, and not otherwise, said respondent claims to be a legally naturalized citizen of the United States, and as such naturalized citizen entitled to all the rights, benefits, privileges, immunities and protection accorded naturalized citizens of the United States.

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*Page numbering appearing at foot of page of original certified Transcript of Record.

III.

That before the filing of this complaint, affidavit was executed by Robert M. Charles, attorney for the Immigration and Naturalization Service, United States Department of Labor, showing good and sufficient cause for the institution of this proceeding as required by the provisions of section 15 of the aforesaid act of Congress of June 29, 1906, which affidavit is hereto attached, marked Exhibit "A", and made a part hereof the same as if set forth herein.

IV.

That said decree and certificate of naturalization were illegally procured and obtained in this: That respondent was not, at the time of his naturalization by said court, and during the period of five years immediately preceding the filing of his petition for naturalization, respondent had not behaved as a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States, but in truth [2] and in fact during all of said times, respondent was a member of and affiliated with and believed in and supported the principles of certain organizations then known as the Workers (Communist) Party of America and the Young Workers (Communist) League of America, whose principles were opposed to the principles of the Constitution of the United States and advised, advocated and taught the overthrow of the Government, Constitution and laws of the United States by force and violence.

V.

That at all times subsequent to the entry of said decree of naturalization respondent has continued to be, and now is, a member of and affiliated with organizations, to-wit, the Workers (Communist) Party of America and the Young Workers (Communist) League of America and the Communist Party of the United States and the Young Communist League of the United States, whose principles are opposed to the principles of the Constitution of the United States and advise, advocate and teach the overthrow of the Government, Constitution and laws of the United States by force and violence, and during all of said times respondent has continued to believe in and support said principles of said organizations.

VI.

That said decree and certificate of naturalization were fraudulently procured and obtained in this: That respondent concealed from said United States District Court for the Southern District of California, Central Division, at the time of said hearing or said petition for naturalization, the facts that at the time of filing said petition and at the time of said hearing and during the period of five years immediately preceding the filing of said petition he was a member of and affiliated with certain organizations [3] which were then known as the Workers (Communist) Party of America and the Young Workers (Communist) League of America, and

that during all said times he believed in and supported the principles of said organizations as aforesaid, and by reason of this concealment said Court was deceived and admitted respondent to citizenship, and said concealment was material in this: That at all times herein mentioned the principles of said organizations were opposed to the principles of the Constitution of the United States and advised, advocated and taught the overthrow of the Government, Constitution and laws of the United States by force and violence.

VII.

That respondent now resides in the city and county of San Francisco, State of California, and within the jurisdiction of this court, the last known address of respondent being 121 Haight Street in said city, county and state.

Wherefore, your petitioner prays that the said respondent be compelled to answer all and singular the premises of this complaint; that said decree of naturalization be set aside, revoked, canceled and declared null and void; that respondent be required to surrender up to this court for cancellation the said certificate of naturalization No. 2608994 and that said respondent, as well as all others claiming by, through or under said naturalization be divested of their status of American citizenship illegally and fraudulently procured and obtained, as aforesaid, and that the said respondent as well as all others claiming American citizenship by, through, or under

his said naturalization, be forever restrained and enjoined from setting up, claiming or exercising any rights, privileges, benefits, immunities or protection as citizens of the United States of America under said decree of naturalization or said certificate of naturalization issued [4] thereunder, and that your petitioner have such other and further relief as the circumstances of the case may require, and as in equity and good conscience may seem meet.

Plaintiff further prays that upon the entry of a final decree in this case as heretofore prayed that the same be entered and spread upon the records of this court pertaining to the naturalization of said respondent heretofore referred to, and that said respondent be required to forthwith surrender and deliver his said certificate of naturalization to the Clerk of this Court for cancellation, and that the Clerk of this Court be further directed to transmit a certified copy of said final decree to the Bureau of Naturalization, Department of Labor, Washington, D. C., together with the cancelled certificate of naturalization No. 2608994 of said respondent.

FRANK J. HENNESSY
United States Attorney [5]

EXHIBIT "4"

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C-2608994

United States of America,
District of Columbia—ss.

Robert M. Charles, being duly sworn, deposes and says:

1. That he is an Attorney, Immigration and Naturalization Service, United States Department of Labor, and as such has access to the official records of said Service, from which the following facts appear:

2. That William Schneiderman, then known as Velvel Schneiderman, a native and then a subject of Russia, made declaration of intention No. 26427 on February 8, 1924, in the U. S. District Court at Los Angeles, California, in the name of Velvel Schneiderman, filed petition for naturalization No. 18758 in the same Court on January 18, 1927, at which time he requested that his name be changed to William Schneiderman, and he was admitted to citizenship on June 10, 1927, certificate of naturalization No. 2608994 being issued to him on the latter date in the name of William Schneiderman;

3. That the said William Schneiderman stated under oath in said petition for naturalization that he was not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government; also, he stated therein that he was attached to the principles of the Constitution of the United States; that the

said petition for naturalization was verified by the joint affidavit of one Albert J. Bock and one Minnie Karasick, each of whom stated that he/she had personal knowledge that the said petitioner was a person of good moral character, attached to the principles of the Constitution of the United States and in every way qualified in affiant's opinion, to be admitted a citizen of the United States; and, that before he was admitted to citizenship the said William Schneiderman declared on oath in open court that he would support the Constitution of the United States, and that he would support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same;

4. That in truth and in fact during the five years immediately preceding the filing of his said petition for naturalization, and from the date of said petition to the time of his admission to citizenship, the said William Schneiderman did not behave as a person attached to the principles of the Constitution of the United States, and he was not attached to such principles, but during said five-year period, and thereafter he was a member of an organization, to wit—the Workers (Communist) Party of America, which organization is opposed to the Government of the United States, and teaches and advocates the overthrow of the Government of the United States by force and violence; [6]

5. That the naturalization of the said William Schneiderman was fraudulently and illegally procured in violation of the third and fourth subdivi-

sions of Section 4 of the Naturalization Act of June 29, 1906 (34 Stat. 596; U. S. C., T. 8, secs. 381 and 382), in that:

(a) At the time of filing his petition for naturalization and at the time of his admission to citizenship he was not attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and during the five-year period immediately preceding the filing of his petition for naturalization he had not behaved as a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same; and

(b) At the time he took said oath of allegiance, he did not in fact intend to support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

6. That good cause exists for the institution of a suit under Section 15 of the said 1906 Act, supra (34 Stat. 601; U. S. C., T. 8, sec. 405), to set aside and cancel the certificate of naturalization of the said William Schneiderman as having been fraudulently and illegally procured;

7. That the last known place of residence of the said William Schneiderman is San Francisco, California.

(Signed) ROBERT M. CHARLES

Subscribed and sworn to before me, a Notary Public of the District of Columbia, this 20th day of June, 1939.

[Seal] (Signed) J. LOUIS BIXLER
Notary Public, District of Columbia

Commission expires September 8, 1939.

[Endorsed]: Filed Jun. 30, 1939. [7]

[Title of District Court and Cause.]

ANSWER

Comes now the respondent, William Schneiderman, and for answer to the complaint on file herein, admits, denies and alleges as follows:

I.

Admits the substance of the allegations contained in paragraph I of said complaint.

II.

Admits the material allegations contained in paragraph II of said complaint.

III.

Replying to paragraph III of said complaint, respondent avers that he has no information or belief sufficient to enable him to answer the allegations therein contained; and basing his denial upon such lack of information and belief, denies each and every, all and singular, generally and specifically, the allegations in [8] said paragraph contained.

IV.

Replying to paragraph IV of said complaint, this respondent denies each and every, all and singular, generally and specifically the allegations therein contained, but admits that at the time and place alleged in said paragraph, respondent was a member of the Communist Party of the United States of America.

V.

Replying to paragraph V of said complaint, your respondent denies each and every, all and singular, generally and specifically, the allegations therein contained save and except that this respondent admits that at all times subsequent to the entry of said decree of naturalization respondent has continued to be and now is, a member of the Communist Party of the United States of America.

VI.

Replying to paragraph VI of said complaint, respondent denies each and every, all and singular, generally and specifically, the allegations therein contained; and in particular this respondent denies that at any time during which said respondent was a member of said organization that said organization, or the principles of said organization, or the tenets of said organization, or the teachings of said organization, or the belief of said organization, or either of them were opposed or contrary to the principles of the Constitution of the United States of America; and specifically denies that

either said respondent or said organization advised or advises, advocated or advocates, taught or teaches, the overthrow of the Government, or the Constitution, or the laws, or the Government, Constitution and laws of the United States of America by force and violence or force or violence.

VII.

Respondent admits the allegations in said paragraph contained. [9]

And as and for a separate, further and distinct defense to said complaint, and the alleged cause of action therein purportedly stated, respondent denies that at any time during which he was a member of said Communist Party of the United States of America, that said organization believed in, taught, or advocated the overthrow of the Government of the United States of America, its Constitution, or its laws; and specifically denies that during said time the said Communist Party of the United States advised, advocated, or taught the overthrow of the Government of the United States, its Constitution and laws, or said Government, Constitution, or laws, by force and violence, or force or violence, or by any other manner, or at all.

And in this connection, respondent alleges that respondent and the said Communist Party of the United States of America believes in, advocates, teaches, and is committed to uphold the achievements of democracy and the rights of and to, life, liberty, and the pursuit of happiness; and to defend

the United States Constitution against all of its enemies.

And as and for a further, separate and distinct defense to said complaint on file herein, respondent attaches hereto and makes a part hereof as though set out in haec verba, a copy of the Constitution of the Communist Party of the United States of America, which is marked Exhibit "A", and alleges that the aims, purposes and objects of said Constitution sets forth the aims, purposes, objects, beliefs, advocacies and teachings of said organization during all of the times alleged in said complaint on file herein.

Wheretofore, having fully answered, respondent prays that petitioner be awarded no relief by its complaint and that said complaint be dismissed.

Dated: September 20th, 1939.

GEORGE R. ANDERSEN,
Attorney for Respondent. [10]

State of California
City and County of San Francisco—ss.

William Schneiderman, being first duly sworn, deposes and says: that he is the person named in the within and foregoing answer; that he has read the same and knows the contents thereof; that the same is true of his own knowledge, except as to those matters which are therein stated upon his information or belief, and as to those matters he believes it to be true.

WILLIAM SCHNEIDERMAN.

Subscribed and sworn to before me this 22nd day of September, 1939.

NANCY EVERETT,

Notary Public in and for the City and County of San Francisco, State of California. [11]

CONSTITUTION AND BY-LAWS, COMMUNIST PARTY, U. S. A.

Unanimously Adopted by Its Tenth National Convention, New York, May 26 to 31, 1938, Submitted in Final Form for Ratification by the Membership.

Preamble

The Communist Party of the United States of America is a working class political party carrying forward today the traditions of Jefferson, Paine, Jackson and Lincoln, and of the Declaration of Independence; it upholds the achievements of democracy, the rights of "life, liberty, and the pursuit of happiness," and defends the United States Constitution against its reactionary enemies who would destroy democracy and all popular liberties; it is devoted to defense of the immediate interests of workers, farmers, and all toilers against capitalist exploitation, and to preparation of the working class for its historic mission to unite and lead the American people to extend these democratic principles to their necessary and logical conclusions:

By establishing common ownership of the national economy, through a government of the people, by the people, and for the people; the abolition of all

exploitation of man by man, nation by nation, and race by race, and thereby the abolition of class divisions in society; that is, by the establishment of Socialism, according to the scientific principles enunciated by the greatest teachers of mankind, Marx, Engels, Lenin and Stalin, embodied in the Communist International; and the free cooperation of the American people with those of other lands, striving toward a world without oppression and war, a world brotherhood of man.

To this end, the Communist Party of the United States of America, establishes the basic laws of its organization in the following Constitution:

Article I

Name

The name of this organization shall be the Communist Party of the United States of America.

Article II

Emblem

The emblem of the Party shall be the crossed hammer and sickle, representing the unity of worker and farmer, with a circular margin having at the top "Communist Party of the U. S. A." and underneath "Affiliated to the Communist International."

Article III

Membership

Section 1. Any person, eighteen years of age or over, regardless of race, sex, color, religious belief,

or nationality, who is a citizen or who declares his intention of becoming a citizen of the United States, and whose loyalty to the working class is unquestioned, shall be eligible for membership.

Section 2. A Party member is one who accepts the Party program, attends the regular meetings of the membership branch at his place of work or in his territory or trade, who pays dues regularly and is active in Party work.

Section 3. An applicant for membership shall sign an application card which shall be endorsed by at least two members of the Communist Party. Applications are subject to discussion and decision by the basic organization of the Party (shop, industrial, neighborhood branch). After the applicant is accepted by a majority vote of the membership of the organization he shall publicly pledge as follows:

> "I pledge firm loyalty to the best interests of the working class and full devotion to all progressive movements of the people. I pledge to work actively for the preservation and extension of democracy and peace, for the defeat of fascism and all forms of national oppression, for equal rights to the Negro people and for the establishment of Socialism. For this purpose, I solemnly pledge to remain true to the principles of the Communist Party, to maintain its unity of purpose and action, and to work to the best of my ability to fulfil its program."

Section 4. There shall be no members-at-large without special permission of the National or State Committee.

Section 5. Party members, two months in arrears in payment of dues, cease to be members of the Party in good standing, and must be informed thereof.

Section 6. Members who are four months in arrears shall be stricken from the Party rolls. Every member, three months in arrears, shall be officially informed of this provision, and a personal effort made to bring such member into good standing. However, if a member who for these reasons has been stricken from the rolls applies for re-admission within six months, he may, on the approval of the leading Party committees, be permitted to pay up his back dues and keep his standing as an old member.

Article IV

Initiation and Dues

Section 1. The initiation fee for an employed person shall be 50 cents, for an unemployed person, 10 cents.

Section 2. Dues shall be paid every month according to rates fixed by action of the Party convention.

Section 3. The income from dues is distributed to the various Party organizations as follows:

a. 25 per cent to the Branch.

b. 35 per cent to the National Office.

c. The remaining 40 per cent shall be distributed between the respective State, County, City and Section organizations in accordance with decisions of the State Conventions.

Section 4. Fifty per cent of the initiation fee shall be sent to the National Committee and 50 per cent shall remain with the State organization.

ARTICLE V

International Solidarity and Assessment

Section 1. Every four months, all members of the Party shall pay an assessment amounting to the average dues payment per month for the previous four months, for an International Solidarity Fund. This money shall be used by the National Committee exclusively to aid our brother Communist Parties in other countries suffering from fascist and military reaction.

Section 2. All local or district assessments are prohibited, except by special permission of the National Committee. Special assessments may be levied by the National Convention or the National Committee. No member is considered in good standing unless he purchases such special assessment-stamps.

ARTICLE VI

Rights and Duties of Members

Section 1. The Communist Party of the U.S.A. upholds the democratic achievements of the American people. It opposes with all its power any clique, group, circle, faction or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy whereby the majority of the American people have

obtained power to determine their own destiny in any degree. The Communist Party of the U.S.A., standing unqualifiedly for the right of the majority to direct the destinies of our country, will fight with all its strength against any and every effort whether it comes from abroad or from within, to impose upon our people the arbitrary will of any selfish minority group or party or clique or conspiracy.

Section 2. Every member of the Party who is in good standing has not only a right, but a duty, to participate in the making of the policies of the Party and in the election of its leading committees, in a manner provided for in the Constitution.

Section 3. In matters of state or local nature, the Party organizations have the right to exercise full initiative and to make decisions within the limits of the general policies and decisions of the Party.

Section 4. After thorough discussion, the majority vote decides the policy of the Party, and the minority is duty-bound to carry out the decision.

Section 5. Party members disagreeing with any decision of the Party organization or committee have the right to appeal that decision to the next higher body, and may carry the appeal to the highest bodies of the Communist Party of the U.S.A., its National Committee and the National Convention. Decisions of the National Convention are final. While the appeal is pending, the decision must nevertheless be carried out by every member of the Party.

Section 6. In pre-Convention periods, individual Party members and delegates to the Convention, enjoy unrestricted rights of discussion on any question of Party policy and tactics and the work and future composition of the leading committees.

Section 7. The decisions of the Convention shall be final and every Party member and Party organization shall be duty-bound to recognize the authority of the Convention decisions and the leadership elected by it.

Section 8. All Party members in mass organizations (trade unions, farm and fraternal organizations, etc.) shall cooperate to promote and strengthen the given organization and shall abide by the democratic decisions of these organizations.

Section 9. It shall be the duty of Party members to explain the mass policies of the Party and the principles of Socialism.

Section 10. All Party members who are eligible shall be required to belong to their respective trade unions.

Section 11. All officers and leading committees of the Party from the Branch Executive Committee up to the highest committees are elected either directly by the membership or through their elected delegates. Every committee must report regularly on its activities to its Party organization.

Section 12. All Party officers may be removed at any time from their position by a majority vote of the body which elected them, or by the body to which they are responsible, with the approval of the National Committee.

Section 13. Requests for release of a Party member from responsible posts can be granted only by the Party organization which elected him, or to which he is responsible, in consultation with the next higher committee.

Section 14. No Party member shall have personal or political relationship with confirmed Trotzkyites, Lovestoneites, or other known enemies of the Party and of the working class.

Section 15. All Party members eligible shall register and vote in the elections for all public offices.

Article VII

Structure of the Party

Section 1. The basic organizations of the Communist Party of the U.S.A. are the shop, industrial and territorial branches.

The Executive Committee of the Branch shall be elected once a year by the membership.

Section 2. The Section Organization shall comprise all Branches in a given territory of the city or state. The Section territory shall be defined by the higher Party committee and shall cover one or more complete political divisions of the city or state.

The highest body of the Section Organization is the Section Convention, or special annual Council meeting, called for the election of officers, which shall convene every year. The Section Convention or special Council meeting discusses and decides on policy and elects delegates to the higher Convention.

Between Section Conventions, the highest Party body is the Section Council composed of delegates elected proportionately from each Branch for a period of one year. Where Councils do not exist, the highest Party body is the Section Committee elected by a majority vote of the Section Convention, which also elects the Section Organizer.

The Section Council or Section Committee may elect a Section Executive Committee which is responsible to the body that elected it. Non-members of the Section Council can be elected to the Executive Committee only with the approval of the next higher committee.

Section 3. In localities where there is more than one section organization, a City, or County Council or Committee may be formed in accordance with the By-Laws.

Section 4. The State Organization shall comprise all Party organizations in one State.

The highest body of the State Organization is the State Convention, which shall convene every two years, and shall be composed of delegates elected by the Conventions of the sub-divisions of the Party or Branches in the State. The delegates are elected on the basis of numerical strength.

A State Committee of regular and alternate members shall be elected at the State Convention with full power to carry out the decisions of the Convention and conduct the activities of the Party organization until the next State convention.

The State Committee may elect from among its members an Executive Committee, which shall be responsible to the State Committee.

Special State Conventions may be called either by a majority vote of the State Committee, or upon written requests of the Branches representing one-third of the membership of the State, with the approval of the National Committee.

Section 5. District Organizations may be established by the National Committee, covering two or more states. In such cases the State Committees shall be under the jurisdiction of the District Committees, elected by and representing the Party organizations of the states composing these Districts. The rules of convening District Conventions, the elections of leading committees, shall be the same as that provided for the State organization.

Article VIII

National Organization

Section 1. The Supreme authority in the Communist Party of the U.S.A. is the National Convention. Regular Conventions shall be held every two years. Only such a National Convention is authorized to make political and organizational decisions binding upon the entire Party and its membership.

Section 2. The National Convention shall be composed of delegates elected by the State and District Conventions. The delegates are elected on the basis of numerical strength of the State organizations.

The basis for representation shall be determined by the National Committee.

Section 3. For two months prior to the Convention, discussions shall take place in all Party organizations on the main resolutions and problems coming before the Convention. During this discussion all party organizations have the right and duty to adopt resolutions and amendments to the Draft Resolutions of the National Committee for consideration at the Convention.

Section 4. The National Convention elects the National Committee, a National Chairman and General Secretary by majority vote. The National Committee shall be composed of regular and alternate members. The alternate members shall have voice but no vote.

Section 5. The size of the National Committee shall be decided upon by each National Convention of the Party. Members of the National Committee must have been active members of the Party for at least three years.

Section 6. The National Committee is the highest authority of the Party between Party Conventions, and is responsible for enforcing the Constitution and securing the execution of the general policies adopted by the democratically elected delegates in the National Convention assembled. The National Committee represents the Party as a whole, and has the right to make decisions with full authority on any problem facing the Party between Conventions. It organizes and supervises the various

departments and committees of the National Committee of the Party; conducts all its political and organizational work; appoints or removes the editors of its press, who work under its leadership and control; organizes and guides all undertakings of importance for the entire Party; distributes the Party forces and controls the central treasury. The National Committee, by majority vote of its members, may call special State or National Conventions. The National Committee shall submit a certified, audited financial report to each National Convention.

Section 7. The National Committee elects from among its members a Political Committee and such additional secretaries and such departments and committees as may be considered necessary for most efficient work. The Political Committee is charged with the responsibility of carrying out the decisions and the work of the National Committee between its full sessions. It is responsible for all its decisions to the National Committee. The size of the Political Committee shall be decided upon by majority vote of the National Committee.

Members of the Political Committee and Editors of the Central Party organs must have been active members of the Party for not less than five years.

The National Committee shall meet at least once in four months.

The Political Committee of the National Committee shall meet weekly.

The National Committee may, when it deems it necessary, call Party conferences. The National Committee shall have full power to decide on the basis of attendance at such Conferences. Such Conferences shall be consultative bodies auxiliary to the National Committee.

Article IX

National Control Commission

Section 1. For the purpose of maintaining and strengthening Party unity and discipline, and of supervising the audits of the financial books and records of the National Committee of the Party and its enterprises, the National Committee elects a National Control Commission, consisting of the most exemplary Party members, each of whom shall have been an active Party member for at least five years. The size of the National Control Commission shall be determined by the National Committee.

Section 2. On various disciplinary cases, such as violation of Party unity, discipline and ethics, or concerning lack of class vigilance and Communist firmness in facing the class enemy, or spies, swindlers, double-dealers and other agents of the class enemy—the National Control Commission shall be charged with making investigations and decisions, either on appeals against the decisions of lower Party bodies, or on cases which are referred to it by the National Committee, or [11A] which the National Control Commission itself deems necessary to take up directly.

Section 3. The decisions of the National Control Commission shall go into effect as soon as their acceptance by the National Committee or its Political Committee is assured.

Section 4. Members of the National Control Commission shall have the right to participate in the sessions of the National Committee with voice but no vote.

Section 5. Meetings of the National Control Commission shall take place at least once every month.

Article X

Disciplinary Procedure

Section 1. Breaches of Party discipline by individual members, financial irregularities as well as any conduct or action detrimental to the Party's prestige and influence among the working masses and harmful to the best interests of the Party, may be punished by censure, public censure, removal from responsible posts, and by expulsion from the Party. Breaches of discipline by Party Committees may be punished by removal of the Committee by the next higher Party Committee, which shall then conduct new elections.

Section 2. Charges against individual members may be made by any person—Party or non-Party—in writing, to the Branches of the Party or to any leading committee. The Party Branch shall have the right to decide on any disciplinary measure, including expulsion. Such action is subject to final approval by the State Committee.

Section 3. The Section, State, and National Committees and the National Control Commission have the right to hear and take disciplinary action against any individual member or organization under their jurisdiction.

Section 4. All parties concerned shall have the fullest right to appear, to bring witnesses and to testify before the Party organization. The member punished shall have the right to appeal any disciplinary decision to the higher committees up to the National Convention of the Party.

Section 5. Party members found to be strike-breakers, degenerates, habitual drunkards, betrayers of Party confidence, provocateurs, advocates of terrorism and violence as a method of Party procedure, or members whose actions are detrimental to the Party and the working class, shall be summarily dismissed from positions of responsibility, expelled from the Party and exposed before the general public.

Article XI

Affiliation

The Communist Party of the U.S.A. is affiliated with its fraternal Communist Parties of other lands through the Communist International and participates in International Congresses, through its National Committee. Resolutions and decisions of International Congresses shall be considered and acted upon by the supreme authority of the Communist Party of the U.S.A., the National Conven-

tion, or between Conventions, by the National Committee.

Article XII

Amending the Constitution

Section 1. This Constitution and By-Laws may be amended as follows: (a) by decision of a majority of the present voting delegates at the National Convention, provided the proposed amendment has been published in the Party press or Discussion Bulletins of the National Committee at least thirty days prior to the Convention; (b) by the National Committee for the purpose of complying with any law of any state or of the United States or whenever any provisions of this Constitution and By-Laws conflict with any such law.

Section 2. Such amendments made by the National Committee shall be published in the Party press or Discussion Bulletins of the National Committee and shall remain in full force and effect until acted upon by the National Convention. Any amendment submitted by a State Committee or State Convention within the time provided for shall be printed in the Party press.

Article XIII

By-Laws

Section 1. By-Laws shall be adopted, based on this Constitution, for the purpose of establishing uniform rules and procedure of the proper functions of the Party organizations. By-Laws shall be

adopted or changed by majority vote of the National Convention, or between Conventions by majority vote of the National Committee.

Section 2. State By-Laws not in conflict with the National Constitution and By-Laws may be adopted or changed by majority vote of the State Convention or, between Conventions, by majority vote of the State Committee.

Article XIV

Charters

The National Committee shall issue Charters to State, or District Organizations and at the request of the respective State Organizations, to County and City Organizations, defining the territory over which they have jurisdiction and authority.

RULES AND BY-LAWS

The following are the Rules and By-Laws adopted by the Communist Party of the United States of America, in accordance with its Constitution, for the purpose of applying the Principles, Rights and Duties as established in the Constitution in a uniform manner in all Party Organizations.

Basic Organizations

The basic organizations of the Communist Party of the U.S.A. are the shop, territorial and industrial branches. A shop branch consists of those Party members who are employed in one place of employment. Shop branches shall be organized in every

factory, shop, mine, ship, dock, office, etc., where there is a sufficient number of Party members, but no less than seven.

A territorial branch consists of members of the Party living in the same neighborhood or territory. Territorial branches shall be organized on the basis of the political division of the city or town (assembly district, ward, precinct, election district, town or township, etc.).

Industrial branches may be organized and shall consist of Party members employed in the same trade or industry; they shall be composed of those Party members who are employed in places where shop branches have not yet been formed. Industrial branches shall organize shop branches wherever possible.

Every branch of the Party shall elect an Executive Committee, which shall consist of at least the following officers: chairman, treasurer, educational director, membership director. There may be a recording secretary whose functions may be filled bye one of the other officers. The size of the Executive Committee shall be determined by the size of the branch, but shall not be less than four.

The Executive Committee has the duty of preparing the agenda and proposals for the membership meeting, administering and executing the decisions of the membership and the higher Party committee, and, between branch meetings, of making decisions concerning matters which require immediate action.

The Executive Committee of the Branch shall report regularly on its work, which shall be subject to review and action by the membership.

Regular election of Branch officers shall take place at least yearly, but not more than twice a year. All officers shall be elected by majority vote of the membership at a specially notified meeting. Officers may be replaced by majority vote of the Branch membership at any time, with the approval of the higher Party committee.

Financial statements shall be submitted to the Branch by the Executive Committee at least quarterly.

The order of business at the Branch meeting shall include the following:

1. Reading of minutes of previous meeting;
2. Dues payments and initiation of new members.
3. Report of Executive Committee:
   a. Check-up on decisions (old business);
   b. Assignments and tasks, reports on communications, literature and press (new business);
4. Good and welfare;
5. Regular educational discussion (educational discussion may be moved to any point on the order of business).

Collections within Party organizations in a given territory can be made only with the approval of the next higher body.

One-third of the Branch membership shall constitute a quorum.

Branches shall meet at least once every two weeks.

Section Organizations

Delegates to the Section Convention or Council shall be elected by all Branches in proportion to their membership. The basis of representation shall be decided upon by the Section Committee in consultation with the higher Party Committee.

Any delegate to the Section Council may be recalled by a majority vote of his Branch. The Section Council meets regularly once a month.

The Section Council shall make a report at least once in three months to the general membership meeting of the Section. All Party members residing in the territory may be invited to these meetings.

The Section Council shall submit financial reports to the Branches and to the higher Party Committee, at least once in three months.

City or County Organizations

In cities where there is more than one Section Organization, a City Council may be formed by the election of delegates either from the Section Councils or directly from the Branches. The role of this form of organization is to coordinate and guide the work on a citywide scale, and actively participate in or supervise Party activity in all public elections and civic affairs within its territory.

The City Council elects from among its members a City Executive Committee with the same rights

and duties on a citywide scale as the Section Executive Committee has on a Statewide scale.

The State Committee has the right to form County Councils with the same rights and duties on a county scale as the City Council has on a city scale.

The structure of the County Organization shall be the same as of the City Council.

State or District Organizations

For two months prior to the Convention, discussion shall take place in all Party organizations on the main resolutions and problems coming before the State Convention. During this discussion, all Party organizations have the right and duty to adopt resolutions and amendments to the Draft Resolutions of the State Committee, for consideration at the Convention.

Only members who are at least two years in the Party can be eligible for elections to the State Committee. Exceptions can be made only by State or National Conventions. The size of the State Committee shall be decided upon by the Convention, in consultation with the National Committee.

The State Committee shall meet at least once in every two months. It shall elect from among its members an Executive Committee to function with full power, which shall be responsible to the State Committee.

The State Committee, by a majority vote of its members, may replace any regular member who is

unable to serve because of sickness or other assignment, or who is removed from office. New regular members shall be chosen from among the alternate members of the State Committee.

An auditing committee, elected by the State Committee, shall examine the books of the State Financial Secretary once every month. A certified Public Accountant shall audit these books at least once a year, and his report shall be presented to the State Committee and Conventions.

Special State Conventions may be called by a majority vote of the State Committee, or by the National Committee.

Upon the written request of Branches representing one-third of the membership of the State Organization, the State Committee shall call a special State Convention.

The call for a Special Convention shall be subject to the approval of the National Committee.

The State Committee shall have the power to establish an official organ with the approval of the National Committee.

The State Committee shall conduct or supervise Party activity in all public elections and statewide public affairs within the State.

In States having over one thousand members, the State Committee shall appoint a Disciplinary Committee with the task of hearing disciplinary cases, and reporting its findings and recommendations to the State Committee. In States with less than one thousand members, a Committee may be appointed if it is considered necessary.

Qualifications for Delegates to Conventions

Delegates to the State Conventions must be in good standing and have been members of the Party for at least one year.

Delegates to the National Convention must be in good standing and have been members of the Party for at least two years.

In special cases, the latter qualifications (length of time in Party) may be waived, but only with the approval of the leading committee involved (National Committee for the National Convention, State Committee for the State Convention).

Membership

It is within the provision of Article III, Section 1 of the Constitution that the following are eligible to membership in the Communist Party:

(a) Persons who, by some present unjust and undemocratic laws, are excluded from citizenship and disbarred from legally declaring their intentions of becoming citizens;

(b) Students and others temporarily residing in the country;

(c) All persons and workers coming from countries contiguous to the United States, engaged in migratory work, and temporarily in the country.

Rate of Dues

Dues shall be paid every month according to the following rates:

a. Housewives, unemployed and all members earning up to $47.00 a month, shall pay 10 cents a month.

b. All members earning from $47.01 to $80.00 a month inclusive, shall pay 25 cents a month.

c. All members earning from $80.01 to $112.00 a month inclusive, shall pay 50 cents a month.

d. All members earning from $112.01 to $160.00 a month inclusive, shall pay $1.00 a month.

e. Members earning more than $160.00 per month shall pay, besides the regular $1.00 dues, additional dues at the rate of 50 cents for each additional $10.00 or fraction thereof.

All dues payments must be acknowledged in the membership book by dues stamps, issued by the National Committee.

Transfers and Leaves of Absence

Members who move from one neighborhood to another and have to go from one Branch to another, shall obtain transfers from their Branches. No member shall be accepted by the new Branch without a properly filled out transfer card. Before receiving transfers, members shall be in good standing and pay up all other financial obligations to their Branches. If a member transfers from one Section or City Organization to another, a duplicate transfer card shall be transmitted through the State or District Committee. If a member transfers from

one State or District to another, this shall be recorded in the membership book, and a duplicate transfer card shall be sent through the National Committee.

No member has a right to take a leave of absence without the permission of his Branch. Leaves of absence not exceeding one month may be granted by the Branch. An extended leave of absence, upon the recommendation of the Branch, is acted upon by the next higher committee of the Party. Before a leave of absence is given the member shall pay up dues, and settle his financial obligations up to and including the end of the leave of absence period.

Readmittance

Expelled members applying for readmittance must submit a written statement and their applications may not be finally acted upon except with the approval of the National Control Commission.

Former members whose membership has lapsed must submit a written statement on application for readmission, to be finally acted upon by the respective State Committees.

Issued by

National Committee, Communist Party, U.S.A.
P.O. Box 87, Station D, New York City [11B]

[Endorsed]: Filed Sept. 22, 1939.

[Title of District Court and Cause.]

MEMORANDUM OPINION

Roche, District Judge:

The United States Government seeks to cancel the decree of naturalization and certificate of citizenship granted to the defendant, William Schneiderman, a native of Russia, by the United States District Court for the Southern District of California. (See 8 U. S. C. A. 405.)

The petition alleges that the defendant (1) illegally and (2) fraudulently obtained his citizenship status, contrary to the provisions of the Naturalization Act (8 U. S. C. A. 382), inasmuch as on June 10, 1927 and for the preceding five years, he did not behave as a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and on June 10, 1927 he concealed material facts from the District Court which awarded him his citizenship certificate. The Government further alleges that during the period of five years from 1922 to 1927, when defendant was on citizenship probation, he was a member of [12] certain organizations—the Young Workers League of America (which became the Young Workers Communist League of America in 1925), and the Workers Party of America—which were opposed to the principles of the Constitution and advocated the overthrow of the government by force and violence.

Defendant admits membership in the above

named organizations during the period in question, and admits belief in the principles of these organizations insofar as they followed the doctrines of Marx, Engels, Lenin and Stalin, but denies that the teachings of these men were incompatible with the principles of the Constitution. He denies that he has ever believed in, or has ever advocated, the use of force and violence for the overthrow of the government. He denies that he obtained his certificate of citizenship illegally or by fraud.

The question of canceling a citizenship certificate because of belief and behavior is discussed by the United States Circuit Court (3d) in the case of United States v. Tapolcsanyi (1930) 40 F. 2d 255. There, as in the case before this court, a Communist was dealt with by the Circuit Court which ruled that the views of the defendant were incompatible with the principles of the Constitution of the United States. Such views consisted of belief in the establishment of a communist state. Defendant admitted his determination to achieve communism in this country, but insisted that he believed in peaceful methods for accomplishing his ends, as provided in for the Constitution. In reply to this argument, which emphasized means rather than ends, the court declared:

> "While no one may be deeply attached to every provision of the Constitution and while all citizens have a right to work for its amendment in an orderly way, that is a right of a citizen. The respondent approached that right as an alien. As an alien he had no such right

> * * * Citizenship is a privilege—a civil status conferring rights and immunities. The respondent alien of course was free to apply for the privilege which the sovereign government might refuse altogether or might grant on such conditions as it should impose. In this instance it imposed upon the respondent the indispensable condition that he be attached to the principles of the Constitution."

Whereupon the court concluded that respondent was not so [13] attached to the Constitution of the United States, and that his citizenship certificate should be canceled.

Fundamental requirements of "attachment to the Constitution" are set forth explicitly in the case of In re Saralieff (1932) 59 F. 2d 436. There, the court denied an alien's petition for naturalization because he believed in, and advocated, a social order in which the three branches of the government would be replaced by a single group, called producers, in whom all power would rest. He wished to abolish private property and substitute therefor the ownership of property by a communist state. The court declared that such beliefs, which necessarily included elimination of our dual system of government and a cessation of present representative methods, were incompatible with attachment to the Constitution.[1]

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[1]But see United States v. Rovin (1926) 12 F. 2d 942; United States v. Ortner (1933) No. E 234—Phoenix, Ariz.; Strecker v. Kessler (1938) 95 F. 2d 976 (affirmed on different ground in 305 U. S. 587 (1939).

The purpose of communism has been held to be contrary to the principles of the Constitution in the Tapolcsanyi case and in the Saralieff case. The methods for attaining the communist goal have also been declared to be contrary to Constitutional principles, in the case of Branch v. Cahill (1937) 88 F. 2d 545 (9th Circuit), which held that communist organizations preach the use of force and violence to achieve their ends. In the Branch case, a ruling of the Department of Labor, in deportation proceedings commenced against an alien communist, was challenged. The court said: "There is ample evidence to show that the Communist Party advocates 'the overthrow by force and violence of the Government of the United States' ". Upon proof of the alien's membership in the Party and his belief in the principles of Communism, the court sustained the order of deportation. This decision is in accord with other deportation rulings in the Ninth Circuit.[2]

Since it has been held that belief in, and advocacy of, a communist state prevent an alien from being attached to the principles of the Constitution (In re Saralieff, above), [14] it follows that membership in, and subscription to the principles of, communist organizations—which are directly affiliated

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[2]Kenmotsu v. Nagle (1930) 44 F. 2d 953; Saksagansky v. Weedin (1931) 53 F. 2d 13; Ex parte Vilarino (1931) 50 F. 2d 582; Sormunon v. Nagle (1932) 59 F. 2d 399; Wolck v. Weedin (1932) 58 F. 2d 928.

with the Third Internationale—preclude attachment to the Constitution. Such membership not only gives rise to unconstitutional objectives (In re Saralieff, above), to be attained by unconstitutional means (Branch v. Cahill, above), but it also tends to make for divided allegiance between the United States of America and a world-wide Communist Society, with headquarters in Moscow, Russia.

In the case at bar, defendant has admitted membership in the Young Workers League of America (the Young Workers Communist League in 1925), and the Workers Party of America during his probationary period, and has admitted his continued membership in such organizations, which are affiliated with the Third Internationale and are now merged in the Communist Party. He has admitted that the two persons who acted as witnesses to his petition for naturalization were themselves Communists. He has been active in Party affairs and has written articles for the "Daily Worker", a Communist publication. He has expressed belief in the elimination of private property. He has admitted that he subscribes to the fundamental tenets of the Communist Party, and that he so subscribed during the five year period in which he was an applicant for citizenship.

The Government has placed in evidence many volumes of books and pamphlets which explain the doctrines of Marx, Engels, Lenin and Stalin, upon which the principles and practices of the Communist Party and its predecessor organizations are

based. It has also called upon three witneses, including defendant, to explain the position of the Communist Party and these predecessor organizations with respect to Communist ends and Communist means. The literature covers almost a century of economic and political thought, beginning with the publication of the Communist Manifesto in 1848. All of this printed material, together with the testimony of the [15] witnesses, may be examined for the purpose of shedding light on the period between 1922 and 1927, when defendant was on probation. In addition, the court may note defendant's conduct, as outlined above, in order to throw light on his state of mind during the probationary period.

The evidence before the court makes it clear that defendant's organizations sought to establish "the dictatorship of the proletariat", as a primary goal in a vague and indefinite program looking toward the eventual creation of a classless society. The evidence further discloses that methods of force and violence were, and are, accepted as necessary for the attainment of this "dictatorship of the proletariat". It would be difficult indeed to interpret (the many expressions set forth in the literature submitted in evidence), as indicating that the Communists expected to obtain their ends by peaceable means." (Kenmotsu v. Nagle (1930) 44 F. 2d 953, 955.)

The conclusion which this court reaches, after a careful reading of the writings placed in evidence and a review of the testimony of the several witnesses who appeared at the trial, is that the or-

ganizations to which defendant belonged were opposed to the principles of the Constitution and advised, taught and advocated the overthrow of the government by force and violence, and that defendant, by reason of his membership in such organizations and participation in their activities, was not "attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same" (In re Saralieff, above). Therefore defendant obtained his certificate of citizenship illegally.

There is no merit to the defense of unconstitutionality of the naturalization law or in laches (United States v. Spohrer (1910) 175 F. 440, United States v. Ali (1925) 7 F. 2d 728, and United States v. Marino (1939) 27 F. Supp. 155). The Government has maintained the burden of proof in the present [16] proceeding (United States v. Rovin (1926) 12 F. 2d 942), by showing that defendant was not attached to the Constitution at the time he became a citizen. It is therefore ordered that the decree of naturalization and certificate of citizenship issued to the defendant be declared void and be set aside, upon preparation of findings of fact and conclusions of law by the Government.

Dated this 12th day of June, 1940.

MICHAEL J. ROCHE
United States District Judge

[Endorsed]: Filed Jun. 12, 1940. [17]

[Title of District Court.]

At a stated term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco, on Wednesday, the 12th day of June, in the year of our Lord one thousand nine hundred and forty.

Present: the Honorable Michael J. Roche, District Judge.

[Title of Cause.]

This cause having been heretofore tried and submitted, being now fully considered, and the Court having filed its Memorandum Opinion thereon, it is, in accordance with said Memorandum Opinion, Ordered that the decree of naturalization and certificate of citizenship issued to the defendant be declared void and be set aside, and that a decree be entered herein accordingly upon findings of fact and conclusions of law to be prepared by the attorneys for the government. [18]

[Title of District Court and Cause.]

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now comes the United States of America, by Frank J. Hennessy, United States Attorney for the Northern District of California, and submits its

proposed Findings of Fact and Conclusions of Law in the above captioned matter.

FRANK J. HENNESSY
United States Attorney

Dated: this 2nd day of July, 1940. [19]

[Title of District Court and Cause.]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I.

The Court finds that it is true that on the 10th day of June, 1927, the respondent, William Schneiderman, also known as Velvel Schneiderman, a native and former citizen of Russia, and a resident of the State of California, appeared before the United States District Court for the Southern District of California, Central Division, and by decree of said Court entered on the 10th day of June, 1927, was then and there admitted and declared to be a citizen of the United States of America, and a certificate of citizenship numbered 2608994 was thereupon issued to him by said Court as documentary [20] evidence of said naturalization.

II.

The Court finds that it is true that by virtue and under the color of said decree of naturalization said respondent has since the issuance of said decree of naturalization on the 10th day of June, 1927,

claimed to be a legally naturalized citizen of the United States and as such naturalized citizen entitled to all the rights, benefits, privileges, immunities and protection accorded naturalized citizens of the United States.

III.

The Court finds that it is true that before the filing of the complaint, an affidavit was executed by Robert N. Charles, Attorney for the Immigration and Naturalization Service, United States Department of Labor, showing good and sufficient cause for the institution of this proceeding as required by the provisions of Section 15 of the Act of Congress approved June 29, 1906.

IV.

The Court finds that it is true that said decree and certificate of naturalization were illegally procured and obtained in this: That respondent was not, at the time of his naturalization by said Court, and during the period of five years immediately preceding the filing of his petition for naturalization had not behaved as, a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same.

The Court finds that it is not true that at the time of the filing of his petition for naturalization respondent was not a disbeliever in or opposed to organized government or a member of or affiliated with any organization [21] or body of persons

teaching disbelief in or opposed to organized government.

The Court finds that in truth and in fact during all of said times respondent had not behaved as a man attached to the principles of the Constitution of the United States and *will* disposed to the good order and happiness of the same, but was a member of and affiliated with and believed in and supported the principles of certain organizations known as the Workers Party of America, the Workers (Communist) Party of America, the Communist Party of the United States of America, the Young Workers League of America, the Young Workers (Communist) League of America and the Young Communist League of America, which organizations were, and each of them was, at all times herein mentioned, a section of the Third International, the principles of all of which said organizations were opposed to the principles of the Constitution of the United States, and advised, advocated and taught the overthrow of the Government, Constitution and laws of the United States by force and violence and taught disbelief in and opposition to organized government.

V.

The Court further finds that during all of said times the respondent has been and now is a member of said organizations and has continued to believe in, advocate and support the said principles of said organizations.

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VI.

The Court further finds that it is true that said decree and certificate of naturalization were fraudulently procured and obtained in this: That said respondent concealed from said United States District Court for the Southern District of California, Central Division, at [22] the time of said hearing of said petition for naturalization, the facts that at the time of filing said petition and at the time of said hearing and during the period of five years immediately preceding the filing of said petition he was a member of and affiliated with the Workers Party of America, the Workers (Communist) Party of America, the Communist Party of the United States of America, the Young Workers League of America, the Young Workers (Communist) League of America and the Young Communist League of America, which organizations were, and each of them was, at all times herein mentioned, a section of the Third International, and that during all of said times respondent believed in and supported the principles of said organizations and of the said Third International.

The Court further finds that it is true that by reason of said concealment said Court was deceived and misled and admitted respondent to citizenship and said concealment was material in this: That at all of said times the principles of said organizations and of the said Third International were opposed to the principles of the Constitution of the United States and advised, advocated and taught

the overthrow of the Government, Constitution and laws of the United States by force and violence and taught disbelief in and opposition to organized government.

VII.

The court further finds that it is true that said decree and certificate of naturalization were illegally and fraudulently procured and obtained in this: That before respondent was admitted to citizenship as aforesaid, he declared on oath in open court that he would support the Constitution of the United States, and that he absolutely and entirely renounced and abjured all allegiance and [23] fidelity to any foreign prince, potentate, state, or sovereignty, and that he would support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same, whereas in truth and in fact, at the time of making such declarations on oath in open court, respondent did not intend to support the Constitution of the United States, and did not intend absolutely and entirely to renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and did not intend to support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and/or to bear true faith and allegiance to the same, but respondent at said time intended to and did maintain allegiance and fidelity to the Union of Soviet Socialist Republics and to the said Third International, and

intended to adhere to and support and defend and advocate the principles and teachings of said Third International, which principles and teachings were opposed to the principles of the Constitution of the United States and advised, advocated and taught the overthrow of the Government, Constitution and laws of the United States by force and violence.

VIII.

The Court finds that it is true that at the time of the commencement of this proceeding respondent was a resident of the City and County of San Francisco, State of California, and within the jurisdiction of this Court and that his last known address was 121 Haight Street in the City and County of San Francisco, State of California. [24]

IX.

The Court finds that it is not true that respondent and the Communist Party of the United States of America believe in, advocate, teach or are committed to uphold the achievements of democracy or the rights of and to life, liberty and the pursuit of happiness or to defend the United States Constitution against all of its enemies.

CONCLUSIONS OF LAW

from the foregoing Findings of Fact:

The Court finds that the certificate of citizenship issued to William Schneiderman, also known as Velvel Schneiderman, by the United States District Court for the Southern District of California, Cen-

tral Division, by decree of said Court entered on the 10th day of June, 1927, admitting and declaring him to be a citizen of the United States of America, which said certificate of citizenship is numbered 2608994, was illegally procured and was procured by fraud and that said decree of naturalization and certificate of citizenship granted to said William Schneiderman, also known as Velvel Schneiderman, be set aside and cancelled and that the Clerk of this Court transmit a copy of this judgment to the United States District Court for the Southern District of California, Central Division, out of which such certificate of citizenship originally issued.

Dated: This 22nd day of July, 1940.

MICHAEL J. ROCHE
United States District Judge

[Endorsed]: Filed Jul. 22, 1940. [25]

In the Southern Division of the United States District Court for the Northern District of California

No. 21257-R

UNITED STATES OF AMERICA,

Petitioner,

vs.

WILLIAM SCHNEIDERMAN, also known as VELVEL SCHNEIDERMAN,

Respondent.

JUDGMENT AND DECREE

The above entitled cause having come on duly and regularly for trial on the 7th, 8th, 12th and 13th days of December, 1939, before the Court sitting without a jury, the respondent, William Schneiderman, also known as Velvel Schneiderman, appearing in person and by his attorney, George Andersen, Esquire, and the petitioner, the United States of America, appearing by its attorneys Frank J. Hennessy, United States Attorney for the Northern District of California, and Louis R. Mercado, Assistant United States Attorney for the said district, and evidence both oral and documentary having been introduced and the trial thereof having been duly and regularly continued to the 9th day of April, 1940, on which day the cause was submitted for final decision, and the Court having heretofore made and caused to be filed herein its

written findings of fact and conclusions of law and the Court being fully advised in the premises; [26]

Now, therefore, by reason of the law and the findings of fact aforesaid, it is and this Court hereby does order, adjudge and decree as follows:

That the said decree of naturalization of the United States District Court for the Southern District of California, Central Division, entered on the 10th day of June, 1927, admitting said respondent William Schneiderman, also known as Velvel Schneiderman, to American citizenship, be and the same is hereby vacated, revoked, set aside, canceled and declared null and void, and that the said certificate of citizenship No. 2608994 issued under said decree to said respondent, be, and the same is hereby revoked and canceled, and that said respondent be, and he is hereby directed and required to surrender up to this Court for cancelation the said certificate of citizenship No. 2608994, and the said Clerk of this Court is hereby ordered to cancel the said certificate of citizenship, and

That he, said respondent, as well as all others claiming by, through or under the decree of naturalization aforesaid be, and they each are hereby divested of their status of American citizenship illegally and fraudulently procured and obtained as aforesaid, and the respondent, as well as all others claiming American citizenship by, through or under his said naturalization as aforesaid, be, and they each are hereby forever restrained and enjoined from setting up, claiming or exercising any rights,

benefits, privileges, immunities or protection as citizens of the United States of America under said decree of naturalization, or said certificate of citizenship issued thereunder:

It is further ordered, adjudged and decreed that the Clerk of this Court under and pursuant to the provisions of Section 15 of the Act of Congress of June 29, 1906, [27] aforesaid, transmit a certified copy of this decree to the Clerk of the United States District Court for the Southern District of California, Central Division, and that the Clerk of this Court also transmit a certified copy of this decree, together with the canceled certificate of citizenship No. 2608994 to the Immigration and Naturalization Service of the United States Department of Labor at Washington, D. C.

Given under my hand and the seal of this Court this 23rd day of July, 1940.

MICHAEL J. ROCHE,
United States District Judge.

[Endorsed]: Filed Jul. 23, 1940. [28]

[Title of District Court and Cause.]

NOTICE OF APPEAL

To the Clerk of the above entitled Court:

Notice is hereby given that William Schneiderman, respondent above named, appeals to the United States Circuit Court of Appeals for the Ninth Cir-

cuit, from the final judgment entered herein on the 23rd day of July, 1940.

Dated: July 29th, 1940.

ANDERSEN & RESNER,
Attorneys for Respondent.

[Endorsed]: Filed Jul. 29, 1940. [29]

[Title of District Court and Cause.]

STATEMENT OF POINTS ON APPEAL

The Respondent and Appellant herein sets forth the points upon which he intends to and does rely in the consideration of his appeal:

1. Insufficiency of the evidence to show or prove any actionable fraud on the part of Appellant at the time of his naturalization.

2. Insufficiency of the evidence to show or prove any illegality on the part of Appellant in the naturalization proceeding in which appellant was granted citizenship.

3. Insufficiency of the evidence to show or prove that either Respondent, or any organization with which he was associated, or of which he was a member, believed in the overthrow of the government by force or violence, or advocated or taught such principles.

4. Insufficiency of the evidence to show or prove that Appellant, at the times mentioned in the complaint, disbelieved in organized government.

5. Insufficiency of the evidence to show or prove

that Appellant, at the time of his naturalization was not, and had not behaved as a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same.

6. That the Fourth Finding of Fact is not supported by the evidence.

7. That the Sixth Finding of Fact is not supported by the evidence. [30]

8. That the Seventh Finding of Fact is not supported by the evidence.

9. That the Ninth Finding of Fact is not supported by the evidence.

10. That the statutes under which this proceeding was instituted are unconstitutional, and are unconstitutional as applied to Appellant insofar as they may attempt to restrict and abridge the right of Appellant to freely speak and to have freedom of thought and belief, and as denying Appellant the equal protection of the laws, within the meaning of the First and Fifth Amendments to the United States Constitution.

11. That as such statutes are applied to Appellant they are unconstitutional in that the word "behavior" is not defined and has been unconstitutionally applied to Appellant.

Dated: August 15th, 1940.

ANDERSEN & RESNER,
Attorneys for
Respondent and Appellant.

[Endorsed]: Filed Aug. 23, 1940. [31]

[Title of District Court and Cause.]

REQUEST FOR AND DESIGNATION OF RECORD

To the Clerk of the above entitled Court:

Respondent and Appellant herein files herewith his request for and designation of those portions of the record, proceedings, and evidence to be contained in the record on appeal herein and to be docketed in the Circuit Court of Appeals.

Appellant herein requests and designates for inclusion in said record the following portions of said record:

1. Government's petition.
2. Answer thereto.
3. One copy of all exhibits in evidence or offered for identification.
4. All excerpts from various pamphlets offered as exhibits.
5. Findings of Fact and Conclusions of Law.
6. Opinion of Judge Roche.
7. Judgment rendered.
8. The complete transcript of the testimony of the witnesses William Schneiderman, Miles Humphries, William Hynes, and Professors Brown and Thompson, eliminating from the transcript of the testimony all arguments and motions.

Dated: August 5th, 1940.

ANDERSEN & RESNER,
Attorneys for
Respondent and Appellant.

[Endorsed]: Filed Aug. 23, 1940. [32]

[Title of District Court and Cause.]

ORDER AUTHORIZING FILING OF ORIGINAL EXHIBITS IN CIRCUIT COURT

Good cause appearing to me therefor:

It is hereby ordered that the Clerk of the above entitled Court transmit to and deposit with the Clerk of the United States Circuit Court of Appeals all original exhibits introduced in evidence or for identification in the trial of the above entitled matter.

Done in open court this 23rd day of August, 1940.

MICHAEL J. ROCHE,
Judge of the District Court.

[Endorsed]: Filed Aug. 23, 1940. [33]

[Title of District Court and Cause.]

ORDER

Good cause appearing to me therefor:

It is hereby ordered that the time for docketing the appeal in the above entitled matter in the office of the Clerk of the Circuit Court of Appeals is hereby extended for a period of thirty days from the date hereof.

Done in open court this 7th day of September, 1940.

MICHAEL J. ROCHE,
Judge of the District Court.

[Endorsed]: Filed Sep. 7, 1940. [34]

District Court of the United States, Northern District of California

CERTIFICATE OF CLERK TO TRANSCRIPT OF RECORD ON APPEAL

I, Walter B. Maling, Clerk of the United States District Court, for the Northern District of California, do hereby certify that the foregoing 1-34 pages, numbered from 1 to 34, inclusive, contain a full, true, and correct transcript of the records and proceedings in the case entitled United States of America vs. William Schneiderman, also known as Velvel Schneiderman, No. 21257-R, as the same now remain on file and of record in my office.

I further certify that the cost of preparing and certifying the foregoing transcript of record on appeal is the sum of seventeen dollars & 55/100 ($17.55) and that the said amount has been paid to me by the Attorney for the appellant herein.

In witness whereof, I have hereunto set my hand and affixed the seal of said District Court, this 20th day of September, A. D. 1940.

(Seal) WALTER B. MALING,
Clerk.

WM. J. CROSBY,
Deputy Clerk. [35]

[Title of District Court and Cause.]

REPORTER'S TRANSCRIPT

Thursday, December 7, 1939

Appearances

For the United States of America:
FRANK J. HENNESSY, Esq.,
United States Attorney;
LOUIS R. MERCADO, Esq.,
Assistant United States Attorney.

For the Respondent:
GEORGE R. ANDERSEN, Esq.,
and
ROBERT WALKER KENNY, Esq. [37]

Thursday, December 7, 1939

Mr. Andersen: Before we proceed, might I request that Robert Walker Kenny appear as counsel for the defendant?

The Court: The record may so show.

Mr. Hennessy: May it please the Court, this is a suit to set aside and cancel a certificate of citizenship issued to William Schneiderman, also known as Velvel Schneiderman, by the United States District Court for the Southern District of California, Central Division, on June 10, 1927, upon the ground of fraud and that it was illegally procured.

The proceeding is brought under Section 405 of Title 8 of the United States Code Annotated, which provides that:

"It shall be the duty of the United States District Attorney for the respective districts, or the Commissioner or Deputy Commissioner of Naturalization, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured."

The bill of the complaint in this case alleges in paragraph I the issuance of the certificate of citizenship. It alleges that:

"On the 10th day of June, 1927, the respondent, William Schneiderman, also known as Velvel Schneiderman, a native and former citizen of Russia, and a resident of the State of California, appeared before the United States District Court for the Southern District of California, Central Division, and by decree of said Court entered on the 10th day of June, 1927, was then and there admitted and declared to be a citizen of the United States of America, and a certificate of citizenship numbered [38] 2608994 was thereupon issued to him by said court as documentary evidence of said naturalization."

That allegation is admitted in the answer.

The second paragraph of the complaint alleges:

> "That by virtue and under the color of said decree of naturalization of William Schneiderman, also known as Velvel Schneiderman, as well as said certificate of citizenship No. 2608994, issued under and pursuant thereto, and not otherwise, said respondent claims to be a legally naturalized citizen of the United States, and as such naturalized citizen entitled to all the rights, benefits, privileges, immunities and protection accorded naturalized citizens of the United States."

That allegation is also admitted in the answer of the respondent.

The third paragraph of the complaint alleges:

> "That before the filing of this complaint, affidavit was executed by Robert M. Charles, attorney for the Immigration and Naturalization Service, United States Department of Labor, showing good and sufficient cause for the institution of this proceeding as required by the provisions of section 15 of the aforesaid act of Congress of June 29, 1906, which affidavit is hereto attached, marked Exhibit 'A' and made a part hereof the same as if set forth herein."

That allegation is denied on lack of information or belief on the subject.

The fourth paragraph of the complaint, which is denied in the answer, alleges:

"That said decree and certificate of naturalization were illegally procured and obtained in this: that respondent was not, at the time of his naturalization by said court, and during the period of five years immediately preceding the filing of his petition for naturalization respondent had not behaved as, a [39] person attached to the principles of the Constitution of the United States and well-disposed to the good order and happiness of the United States, but in truth and in fact during all of said times respondent was a member of and affiliated with and believed in and supported the principles of certain organizations then known as the Workers (Communist) Party of America and the Young Workers (Communist) League of America, whose principles were opposed to the principles of the Constitution of the United States and advised, advocated and taught the overthrow of the Government, Constitution and laws of the United States by force and violence."

In the denial of this allegation, the answer admits that, at the time and place alleged in said paragraph, the respondent was a member of the Communist Party of the United States of America. With the exception of that admission, the other allegations of that paragraph IV are denied.

The fifth paragraph of the complaint alleges:

"That at all times subsequent to the entry

of said decree of naturalization respondent has continued to be, and now is, a member of and affiliated with organizations, to-wit: the Workers (Communist) Party of America and the Young Workers (Communist) League of America and the Communist Party of the United States and the Young Communist League of the United States, whose principles are opposed to the principles of the Constitution of the United States and advise, advocate and teach the overthrow of the Government, Constitution and laws of the United States by force and violence, and during all of said times respondent has continued to believe in and support said principles of said organizations."

This allegation in the complaint is denied in the answer, with the exception that there is an admission, as follows: [40]

"Save and except that this respondent admits that at all times subsequent to the entry of said decree of naturalization respondent has continued to be and now is a member of the Communist Party of the United States of America."

The sixth allegation of the complaint, which is denied in the answer, is as follows:

"That said decree and certificate of naturalization were fraudulently procured and obtained in this: That respondent concealed from said

United States District Court for the Southern District of California, Central Division, at the time of said hearing of said petition for naturalization, the facts that at the time of filing said petition and at the time of said hearing and during the period of five years immediately preceding the filing of said petition he was a member of and affiliated with certain organizations which were then known as the Workers (Communist) Party of America and the Young Workers (Communist) League of America, and that during all said times he believed in and supported the principles of said organizations as aforesaid, and by reason of this concealment said Court was deceived and admitted respondent to citizenship, and said concealment was material in this: That at all times herein mentioned the principles of said organizations were opposed to the principles of the Constitution of the United States and advised, advocated and taught the overthrow of the Government, Constitution and laws of the United States by force and violence."

The denial contained in paragraph VI of the answer is as follows:

"Replying to paragraph VI of said complaint, respondent denies each and every, all and singular, generally and specifically, the allegations therein contained; and in particular this respondent denies that at any time during

which said respondent was a member of said organization that said organization, or the [41] principles of said organization, or the tenets of said organization, or the teachings of said organization, or the belief of said organization, or either of them, were opposed or contrary to the principles of the Constitution of the United States of America; and specifically denies that either said respondent or said organization advised or advises, advocated or advocates, taught or teaches, the overthrow of the Government, or the Constitution, or the laws, or the Government, Constitution and laws of the United States of America by force and violence or force or violence."

Paragraph VII of the complaint is admitted in the answer, and is to the effect:

"That respondent now resides in the City and County of San Francisco, State of California, and within the jurisdiction of this court, the last known address of respondent being 121 Haight Street in said city, county and state."

In addition to the denials to which I have directed your Honor's attention, there is a separate and distinct defense set forth in the answer, which is as follows:

"And as and for a separate, further and distinct defense to said complaint, and the alleged cause of action therein purportedly stated, re-

spondent denies that at any time during which he was a member of said Communist Party of the United States of America, that said organization believed in, taught, or advocated the overthrow of the Government of the United States of America, its Constitution, or its laws; and specifically denies that during said time the said Communist Party of the United States advised, advocated, or taught the overthrow of the Government of the United States, its Constitution and laws, or said Government, Constitution or laws, by force and violence, or force or violence, or by any other manner, or at all.

"And in this connection, respondent alleges that respondent [42] and the said Communist Party of the United States of America believes in, advocates, teaches, and is committed to uphold the achievements of democracy and the rights of and to, life, liberty, and the pursuit of happiness; and to defend the United States Constitution against all of its enemies.

"And as and for a further, separate and distinct defense to said complaint on file herein, respondent attaches hereto and makes a part hereof as though set out in haec verba, a copy of the Constitution of the Communist Party of of the United States of America, which is marked Exhibit 'A', and alleges that the aims, purposes and objects of said Constitution sets forth the aims, purposes, objects, beliefs, advocacies and teachings of said organization dur-

ing all of the times alleged in said complaint on file herein."

We expect to show, may it please your Honor, that, prior to the filing of the declaration of intention by Mr. Schneiderman for citizenship and at the time of the filing of the declaration of intention and at the time of the filing of his petition for citizenship and at the time of his admission to citizenship and at all times subsequent to his admission to citizenship and up to the present time, he has advocated principles that are at variance with the principles of our Government, and the tenets of our Constitution; and that he was not, at the time he was admitted to citizenship and during the probationary period of five years anterior thereto, attached to the principles of our Constitution; and that he was a member of societies during this period and since his admission as a citizen has been a member of societies that teach doctrines entirely at variance with our Constitution; that these societies teach and endeavor to further the establishment of a worldwide Communist Society, the abolition of property, the wiping out of all classes, the establishment of a dictatorship of the [43] proletariat,—that is, a dictatorship of workers,—of removal of all capitalistic governments—and, among the capitalistic governments, they designate the United States of America; and the establishment ultimately of this utopian communist society, in which there shall be no private property and no

classes, and everything shall be possessed in common, and all persons shall be workers.

We believe that the advocating and believing in those tenets are at variance with the tenets and principles of our Constitution and our Government, and that a person who believes in those things is not attached to the Constitution of the United States; he did not believe in private property; he did not believe in our system of Government; but he believed in the overthrow of our system of government, whether by force or otherwise; and we believe we can establish that it was by force.

After we show that he was not attached to the principles of the Constitution of the United States when he obtained his citizenship, he was not entitled to his citizenship. In order to obtain citizenship, one must comply with the requirements of Congress; he must be attached and prove that he was attached, during the probationary period of five years prior to the issuance of the certificate of citizenship, to the principles of the Constitution of the United States and was not a disbeliever in organized government.

We believe that we can establish these facts by the activities of Mr. Schneiderman, both prior to the time of his admission and subsequent to his admission to citizenship. We believe we can establish them, also, by the principles, the platforms, propaganda of the organizations of which he was a member and an official, and to which he subscribed during all this period of time.

I offer in evidence at this time, may it please the Court, the declaration of intention.

(Document marked "Government's Exhibit No. 1.") [44]

U. S. EXHIBIT NO. 1

246; form 2203 U. S. Department of Labor, Naturalization Service;

Duplicate [to be forwarded to the Bureau of Naturalization]

No. 26427.

United States of America;

DECLARATION OF INTENTION

Invalid for all purposes seven years after the date hereof.

United States of America,
Southern District of California,
County of Los Angeles—ss.

In the District Court of the
United States.

I, Velvel Schneiderman, aged 18 years, occupation Student, do declare on oath that my personal description is: Color, white; Complexion, light; Height, 5 feet 10 inches; Weight, 130 pounds; Color of Hair, auburn; Color of Eyes, green; other visible distinctive marks, none. I was born in Rumonov, Russia, on the 1st day of August, anno Domini 1905; I now reside at 2755 Winter St., Los Angeles, California. I emigrated to the United States of America from Antwerp, Belgium, on the vessel Kroonland; my last foreign residence was

Rumonov, Russia; I am not married; the name of my wife is (blank); she was born at (blank); and now resides at (blank).

It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to the present Government of Russia, of whom I am now a subject; I arrived at the port of New York, in the State of New York, on or about the 1st day of September, anno Domini 1907; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it my intention in good faith to become a citizen of the United States of America and to permanently reside therein: So help me God.

VELVEL SCHNEIDERMAN
(Original signature of declarant)

Subscribed and sworn to before me in the office of the [45] Clerk of said court at Los Angeles, Cal., this 8th day of Feb. anno Domini 1924.

[Seal] CHAS. N. WILLIAMS,
Clerk of the U. S. District Court, Southern District of California,
By M. M. HANSEN,
Deputy Clerk.

[Endorsed]: U. S. Ex. No. 1. Filed Dec. 7, 1939. Walter B. Maling, Clerk. B. J. A. Schaertzer, Deputy Clerk.]

Mr. Hennessy: I ask that it be marked Government's Exhibit 1.

The Court: It may be admitted and marked.

Mr. Hennessy: I desire to offer in evidence at this time, may it please the Court, the petition of Mr. Schneiderman for naturalization.

The Court: It may be admitted and marked.

(The document was marked

"U. S. EXHIBIT NO. 2,"

and is in words and figures as follow, to-wit:

"Form 2204-L; U. S. Department of Labor, Naturalization Service. Duplicate [to be forwarded to the Bureau of Naturalization].

No. 18758.

United States of America;

PETITION OF NATURALIZATION.

To the Honorable the District Court of the United States at Los Angeles, California.

The petition of Velvel Schneiderman, hereby filed, respectfully showeth: First: My place of residence is 2755½ Winter Street, Los Angeles, California. Second: My occupation is Clerk. Third: I was born on the 1st day of August, anno Domini 1905, at Rumanov, Russia. Fourth: I emigrated to the United States from Antwerp, Belgium, on or about the 12th day of September anno Domini 1908, and arrived in the United States, at the port of New York, N. Y., on the 22nd day of September anno Domini 1908, on the vessel 'Kroonland'. Fifth:

I declared my intention to become a citizen of the United States on the 8th day of February, anno Domini 1924 at Los Angeles, California, in the District Court of the United States. Sixth: I am not married. I have no children. Seventh: I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government. I am not a polygamist nor a believer in the practice of polygamy. [46] I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to the State of Russia, of whom at this time I am a subject, and it is my intention to reside permanently in the United States. Eighth: I am able to speak the English language. Ninth: I have resided continuously in the United States of America for the term of five years at least immediately preceding the date of this petition, to wit, since the 22nd day of September, anno Domini 1908, and in the State of California continuously next preceding the date of this petition, since the 19th day of September, anno Domini 1919, being a residence within this State of at least one year next preceding the date of this petition. Tenth: I have not heretofore

made petition for citizenship to any court.

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Labor, together with my affidavit and the affidavits of the two verifying witnesses thereto, required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America, and that his name be changed to William Schneiderman.

VELVEL SCHENIDERMAN

(Complete and true signature of petitioner)

Declaration of Intention No. 26427 and Certificate of Arrival from Department of Labor filed this 18th day of January, 1927.

Note to Clerk of Court: If petitioner arrived in the United States on or before June 29, 1906, strike out the words reading "and Certificate of Arrival from Department of Labor."

[47]

AFFIDAVITS OF PETITIONER AND WITNESSES

The aforesaid petitioner being duly sworn, deposes and says that he is the petitioner in the above-entitled proceedings; that he has read the foregoing petition and knows the contents thereof; that the said petition is signed with his full, true name; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it

to be true.

VELVEL SCHNEIDERMAN
(Complete and true signature of petitioner.)

Albert J. Bock; occupation, Business Agent, residing at 2420 Brooklyn Av., L. A., Cal., and (Miss) Minnie Karasick, occupation, at home, residing at 2728 Folsom St., Los Angeles, Cal., each being severally duly and respectively sworn, deposes and says that he is a citizen of the United States of America, that he has personally known Velvel Schneiderman, the petitioner above mentioned, to have resided in the United States continuously immediately preceding the date of filing his petition, since the 17th day of January, anno Domini 1922, and in the State in which the above-entitled petition is made continuously since the 17th day of January, anno Domini 1922; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that the petitioner is in every way qualified, in his opinion, to be admitted a citizen of the United States.

ALBERT J. BOCK
(signature of witness)
MINNIE KARASICK
(signature of witness)

Subscribed and sworn to before me by the above-named petitioner and witnesses in the

office of the Clerk of said Court this 18th day of January, anno Domini 1927.

(Seal) R. S. ZIMMERMAN,
Clerk
By GEO. A. CUPERICH,
Deputy Clerk.")

[Endorsed]: U. S. Ex. No. 2. Filed Dec. 7, 1939. Walter B. Maling, Clerk. By J. A. Schaertzer, Deputy Clerk. [48]

Mr. Hennessy: I desire to offer at this time the certificate of naturalization.

The Court: It may be admitted and marked.

(Document marked "U. S. Exhibit No. 3.")

Mr. Hennessy:

"U. S. EXHIBIT NO. 3.

The United States of America.

No. 2608994.

CERTIFICATE OF NATURALIZATION

Petition, Volume 177, Number 18758. Description of holder: age, 21 years; height, 5 feet, 10 inches; color, white; complexion, light; color of eyes, green; color of hair, auburn; visible distinguishing marks, none.

WILLIAM SCHNEIDERMAN
(Signature of Holder)

Duplicate.

United States of America,
Southern District of California,
County of Los Angeles—ss.

Be it remembered that William Schneider-

man (formerly Velvel Schneiderman), then residing at number 2755½ Winter Street, City of Los Angeles, State of California, who previous to his naturalization was a citizen of Russia, having applied to be admitted a citizen of the United States of America pursuant to law, and at a stated term of the District Court of the United States, held at Los Angeles, on the 10th day of June, in the year of our Lord nineteen hundred and 27, the court having found that the petitioner intends to reside permanently in the United States, and that he had in all respects complied with the Naturalization Laws of the United States, and that he was entitled to be so admitted, it was thereupon ordered by the said court that he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the 10th day of June, in the year of our Lord nineteen hundred and 27, and of our Independence the one hundred and fifty-first.

[Seal] R. S. ZIMMERMAN,
Clerk, U. S. District Court,
Southern District of
California,
By LIZZIE F. HIMEON,
Deputy (Official character
of attestor.)"

[Endorsed]: U. S. Ex. No. 3. Filed Dec. 7, 1939. Walter B. Maling, Clerk. By J. A. Schaertzer, Deputy. [49]

I desire to offer in evidence at this time, may it please the Court, the affidavit of Robert M. Charles, attached to the complaint, as the answer denies, on lack of information and belief, the execution of this affidavit.

Mr. Andersen: I wish to object to the introduction of this affidavit. It is true that the statute says that the complaint shall only issue upon the filing of an affidavit; but, so far as this proceeding is concerned, the affidavit remains merely hearsay, as far as this defendant is concerned. I believe the affidavit, when introduced in evidence, would be improper for that reason, and for the very reason that the testimony could be given in open court, where cross-examination would be available to the defendant.

Mr. Hennessy: The affidavit is not offered to prove the facts set forth in the affidavit, but to prove the execution of this affidavit, which is provided by the statute.

Mr. Andersen: We have no objection, for that limited purpose.

Mr. Hennessy: The execution of his affidavit is provided by the statute. I might state that the authorities hold that this proceeding may be maintained even without the execution of an affidavit.

The Court: You may read it.

Mr. Hennessy: I would ask that this affidavit be marked Exhibit 4. It is attached to the complaint, —the original affidavit. The statute provides, may it please your Honor, that:

"It shall be the duty of the United States District Attorney, upon affidavit showing good cause therefor, to institute proceedings."

And they have denied the execution of this affidavit; and, for that purpose, we are offering it in evidence.

(Affidavit marked

"GOVERNMENT'S EXHIBIT NO. 4.") [50]

Mr. Hennessy:

"EXHIBIT 'A' 246; C-2608994

"United States of America,
District of Columbia—ss.

"Robert M. Charles, being duly sworn, deposes and says:

"1. That he is an Attorney, Immigration and Naturalization Service, United States Department of Labor, and as such has access to the official records of said Service, from which the following facts appear:

"2. That William Schneiderman, then known as Velvel Schneiderman, a native and then a subject of Russia, made declaration of intention No. 26427 on February 8, 1924, in the U. S. District Court at Los Angeles, California, in the name of Velvel Schneiderman, filed petition for naturalization, No. 18758 in the same court on January 18, 1927, at which time he requested that his name be changed to William Schneiderman, and he was admitted to citizenship on

June 10, 1927, certificate of naturalization No. 2608994 being issued to him on the latter date in the name of William Schneiderman;

"3. That the said William Schneiderman stated under oath in said petition for naturalization that he was not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government; also, he stated therein that he was attached to the principles of the Constitution of the United States; that the said petition for naturalization was verified by the joint affidavit of one Albert J. Bock and one Minnie Karasick, each of whom stated that he/she had personal knowledge that the said petitioner was a person of good moral character, attached to the principles of the Constitution of the United States and in every way qualified in affiant's opinion, to be admitted a citizen of the United States; and, that before he was admitted to citizenship the said William Schneiderman declared on oath in open court that he would [51] support the Constitution of the United States, and that he would support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same;

"4. That in truth and in fact during the five years immediately preceding the filing of

his said petition for naturalization, and from the date of said petition to the time of his admission to citizenship, the said William Schneiderman did not behave as a person attached to the principles of the Constitution of the United States, and he was not attached to such principles, but during said five-year period, and thereafter he was a member of an organization, to wit: the Workers (Communist) Party of America, which organization is opposed to the Government of the United States, and teaches and advocates the overthrow of the Government of the United States by force and violence;

"5. That the naturalization of the said William Schneiderman was fraudulently and illegally procured in violation of the third and fourth subdivisions of Section 4 of the Naturalization Act of June 29, 1906 (34 Stat. 596; U. S. C. t.8, secs. 381 and 382), in that:

"(a) At the time of filing his petition for naturalization and at the time of his admission to citizenship he was not attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and during the five-year period immediately preceding the filing of his petition for naturalization he had not behaved as a person attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same; and

"(b) At the time he took said oath of allegiance, he did not in fact intend to support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and [52] bear true faith and allegiance to the same.

"6. That good cause exists for the institution of a suit under Section 15 of the said 1906 Act, supra. (34 Stat. 601; U. S. C., 6. 8, sec. 405), to set aside and cancel the certificate of naturalization of the said William Schneiderman as having been fraudulently and illegally procured;

"7. That the last known place of residence of the said William Schneiderman is San Francisco, California.

"(Signed) ROBERT M. CHARLES.

"Subscribed and sworn to before me, a Notary Public of the District of Columbia, this 20th day of June, 1939.

"(Signed) J. LOUIS BIXLER,
Notary Public, District of Columbia.

"Commission expires September 8, 1939."

I desire to offer in evidence at this time, may it please your Honor, and have it marked as Government's Exhibit 5, "The Constitution and By-laws of the Communist Party of The United States of America, Adopted by the Tenth National Convention of The Communist Party of the United States

of America, in New York, May 27 to 31, 1938." It is attached as an exhibit to the answer of the defendant. It may be considered read, or do you desire to have it read into the record?

Mr. Andersen: It may be considered read.

Mr. Hennessy: We will direct your Honor's attention to certain portions of this constitution at a later date. I would like at this time, however, to call your Honor's attention to a couple of portions of it. I call your Honor's attention to the preamble, the second paragraph:

> "By establishing common ownership of the national economy, through a government of the people, by the people, and for the people; the abolition of all exploitation of man by man, nation by nation, and race by race, and thereby the abolition of class [53] divisions of society; that is, by the establishment of Socialism, according to the scientific principles enunciated by the greatest teachers of mankind, Marx, Engles, Lenin and Stalin, embodied in the Communist International; and the free cooperation of the American people with those of other lands, striving toward rule without oppression and war, a world brotherhood of man."

I wish also to direct your Honor's attention to the second article:

> "Emblem. The emblem of the party shall be the crossed hammer and sickle, representing the unity of worker and farmer——"

Mr. Andersen: (Interrupting) I think you should read the whole document.

Mr. Hennessy: All right, I will read the whole document (reading).

[Printer's Note: Set forth as an exhibit to the answer at page 14 of this printed record.]

WILLIAM SCHNEIDERMAN,

called for the United States; sworn.

Direct Examination

Mr. Hennessy: Q. Mr. Schneiderman, you are the defendant in this proceeding? A. Yes.

Q. Where do you live?

A. 380 Eddy Street.

Q. San Francisco? A. Yes.

Q. You formerly lived in Los Angeles, did you, Mr. Schneiderman? A. Yes.

Q. When did you take up a residence in Los Angeles? A. About 1919.

Q. At that time, were you attending school?

A. Yes.

Q. What school were you attending?

A. Los Angeles High School.

Q. Did you ever affiliate yourself with the Young Workers' League in Los Angeles while you were there? A. Yes.

Q. When did you first join the Young Workers' League? A. In 1922.

Q. At that time, were you attending high school? A. I believe so, yes. [54]

(Testimony of William Schneiderman.)

Q. What high school were you attending?

A. I think it was the Polytechnic Night School.

Q. Los Angeles Polytechnic?

A. Night school.

Q. Were you one of the organizers of the Young Workers' League of California? A. Yes, sir.

Q. One of the charter members? A. Yes.

Q. That was in 1922? A. Yes.

Q. Did you hold any office in the Young Workers' League?

A. At that time, I believe I was educational director.

Q. What were your functions or duties as educational director in the Young Workers' League?

A. To organize forums and studies for classes.

Q. You maintained classes at that time in the Young Workers' League?

A. I did not teach them. I just organized them.

Q. You organized them? A. Yes.

Q. Those study classes were for what purpose?

A. For the purpose of studying the theory of Marxism and the political and economic situation in the countries.

Q. Those classes were attended by prospective members of the Young Workers' League?

A. No; they were open to anybody.

Q. They were open to any person who desired to come in? A. Yes.

Q. Did you teach in any of those classes?

A. No.

(Testimony of William Schneiderman.)

Q. There were other members of the Young Workers' League who taught?

A. I really do not recall who were the teachers. They were probably Workers or members of the Workers' Party.

Q. This education program of your Young Workers' League was directed by whom—that is, the outlines of their curriculum were set forth by whom?

A. By the National Committee of the Young Workers' League.

Q. Where did the National Committee of the Young Workers' League have their headquarters?

A. New York. [55]

Q. They were selected, were they, by the National Convention?

A. Pardon me; I believe at that time their headquarters were in Chicago.

Q. The National Committee of the International Workers' League was selected, I assume, by the National Convention of the Young Workers' League? A. That is right.

Q. How long did you continue as educational director of the Young Workers' League?

A. Oh, I should say, two or three years.

Q. In teaching the philosophy of the League, what books or pamphlets did you use?

A. The generally accepted writings of Marx and Lenin.

Q. Will you enumerate those, as well as you remember them?

(Testimony of William Schneiderman.)

A. Well, I could easily get you a list of them; but, as I recall, they were from the collected or selected works of Marx and Lenin.

Q. Did you use the "Communist Manifesto" of Marx? A. Yes.

Q. Did you use the "State and Revolution" of Lenin? A. Probably. I do not recall.

Q. Did you use "Left Wing Communism," of Lenin? A. Yes.

Q. Did you use the "Theory and Practice of Leninism," by I. Stalin?

A. I do not recall. I do not think it was written at that time.

Q. Probably you are correct about that. Do you remember whether the book, "White Communism," had been written at that time?

A. No; it had not been.

Q. Had the "A. B. C. of Communism" been written at that time? A. I don't recall.

Q. How long did you continue to be educational director of the Young Workers' League?

A. I believe, for two or three years.

Q. It was a nonsalaried position, I assume?

A. Yes.

Q. Now, was the Young Workers' League limited to persons under a certain age?

A. I think, at that time, that the age limit was between 16 and 25. [56]

Q. Was the name of the Young Workers' League subsequently changed to the Young Communist League?

(Testimony of William Schneiderman.)

A. First it was changed to the Young Workers' Communist League, and later to the Young Communist League.

Q. It was the same organization; just a change in name; is that correct? A. Yes.

Q. Have you continued your affiliation with the Young Workers' League up to the present time?

A. No; I was a member until about 1929 or 1930.

Q. Was the Young Workers' League affiliated with the International Young Workers' League?

A. It was affiliated with the International—Communist International.

Q. Where was the headquarters of the Young Communist International?

A. It was formed in Berlin; and the headquarters were moved to Moscow.

Q. You stated it was affiliated with the Young Communist International. Just what did that affiliation consist of?

A. I believe, at that time the status was that of fraternal affiliation. It required the consent of the electors of the International Congress.

Q. Did the Young Workers' League send delegates to the Congress of Young Workers' International? A. I believe so.

Q. Did you ever attend any of those Congresses?

A. No.

Q. Did you ever occupy any other position with the Young Workers' League other than educational director?

(Testimony of William Schneiderman.)

A. Yes; later I became organizer; I believe it was 1928.

Q. What were your duties as organizer?

A. I was the director of the Young Workers' League.

Q. As director, what were your functions?

A. The usual functions of an executive officer; I was the official spokesman for the League and directed its administrative and political affairs and educational affairs. [57]

Q. Was that a salaried position? A. No.

Q. Then, in 1927, when you were granted your citizenship papers, you were educational director of the Young Communist League?

A. I do not think that, at that time, I held any official position.

Q. You were a member of it?

A. I was a member.

Q. Were you a member, at any time, of the Workers' Party? A. Yes.

Q. When did you join the Workers' Party?

A. I believe it was either the end of 1924 or the beginning of 1925.

Q. Where did you join the Workers' Party?

A. In Los Angeles.

Q. The Workers' Party later changed its name to the Workers' Communist Party?

A. Yes, sir.

Q. And then to the Communist Party of the United States of America? A. Yes.

(Testimony of William Schneiderman.)

Q. And it is known at the present time as the Communist Party of the United States of America? A. Yes.

Q. You joined the Workers' Party in 1925, did you say? A. About that, yes.

Q. Since that time, you have been affiliated with this organization: Workers' Party, Workers' Communist Party and Communist Party of the United States; isn't that true? A. That is right.

Q. And during all of this time, you have subscribed to the principles of that party?

A. Yes.

Q. Did you occupy any position in the Workers' Party?

A. Yes; I was at one time secretary in Los Angeles.

Q. And during what period were you secretary of the Workers' Party?

A. About 1925 and 1926, I believe.

Q. Were you secretary of the Workers' Party when you received your citizenship papers in Los Angeles on June 10, 1927?

A. I really do not recall.

Q. But you were a member of the party at that time? A. Yes.

Q. Did you occupy any other position with the Workers' Party than secretary?

A. Yes; later, I became the organization secretary of [58] the California district; that was in 1930.

(Testimony of William Schneiderman.)

Q. That was District No. 13?

A. Yes. Do you want all my positions or just that?

Q. Let us keep it, as well as we can, in orderly fashion. You were then organization director of the Workers' Party in 1926?

A. Organization secretary.

Q. Of the Workers' Party?

A. Of the Communist Party of the United States.

Q. Do you remember what year the name was changed from Workers' Party to Workers' Communist Party? A. About 1927.

Q. And then when was the name changed to Communist Party of the United States of Americ.?

A. In 1929.

Q. Where was it that you occupied this position of organizer of the Workers' Party: in California or some other state?

A. I said organization secretary. It was in California. My headquarters were in San Francisco.

Q. During what period did you occupy that position?

A. For about six months in the beginning of 1930.

Q. What were your duties as organization secretary?

A. I handled the dues and membership records.

Q. Did the Workers' Party maintain schools for

(Testimony of William Schneiderman.)

the purpose of educating people with the principles of Marxism and Leninism?

A. At that time, they had study classes and open forums.

Q. Did you participate in the conduct of the study classes or of the open forums?

A. Open forums, I believe I did; not in any study classes at that time.

Q. Did you have the direction of the study classes? A. No.

Q. What was the purpose of the study classes?

A. To discuss the political and economic situation in the country, and teach the theories and practice of Marxism and Leninism.

Q. What books were used in those study classes?

A. A collection of selected works of Marxism and Leninism. [59]

Q. Practically the same books that were used in the Young Workers' League, with such additional works as you received subsequently? A. Yes.

Q. You say for about six months in 1930, you were organization secretary? A. Yes.

Q. And then did you occupy any other position in the Communist Party, Mr. Schneiderman?

A. I was district organizer of the Party in the State of Connecticut.

Q. When was it that you went to Connecticut?

A. In 1930.

Q. And your duties in Connecticut, as district organizer, were similar to the duties you had previously, in California, as an organizer?

(Testimony of William Schneiderman.)

A. I was the executive and political director of the party.

Q. In Connecticut? A. Yes, sir.

Q. How long did that position continue?

A. For a few months.

Q. Then did you occupy any other position with the Communist Party?

A. I became the district organizer of the party in the Minnesota district, which included Northern Wisconsin and Michigan.

Q. During what time were you organizer in the Minnesota district?

A. From about 1931 to 1934.

Q. Then did you return to California in 1934?

A. No.

Q. Where did you go then?

A. I made a visit to Europe, and made a visit in the Soviet Union.

Q. That was in 1934? A. Yes.

Q. Did you go as an official representative of the Communist Party for the United States of America? A. No.

Q. Did you go as a delegate to some congress of the Communist International?

A. No; I went there on a visit; and I stayed there and studied conditions.

Q. You were not a delegate to the Communist International?

A. During the time I was there, the 7th World Congress of the [60] Communist International took place, and I attended that.

(Testimony of William Schneiderman.)

Q. But you were not a delegate to it?

A. No.

Q. Then you returned to the United States, I assume? A. Yes.

Q. And did you come to California then?

A. Yes.

Q. Did you occupy any position with the Communist Party upon your return to California?

A. I was district organizer of the California district.

Q. What district was it? A. District 13.

Q. Do you still occupy that position?

A. No; the party was reorganized on a state basis; and my title now is state secretary of California.

Q. That covers the territory of California?

A. Yes.

Q. The 13th district covered a larger area than California, did it not?

A. Yes; it included Arizona and Nevada.

Q. Now, those are the positions that you have occupied in the Young Workers' League and the Workers' Party and Workers' Communist Party and the Communist Party of the United States of America?

A. I was the delegate to the National Committee of the Communist Party in 1934; and I have been a member of the National Committee ever since.

Q. When you were a member of the Young Workers' League, did you attend conventions of

(Testimony of William Schneiderman.)

the Young Workers' League? A. Yes, I did.

Q. Do you remember what conventions you attended?

A. I think, the Second National Convention and the Third National Convention; I am not sure of any subsequent conventions.

Q. Were you a delegate to those conventions?

A. Yes.

The Court: Fix the time.

Mr. Hennessy: Q. When were those conventions held?

A. The Second Convention was held in 1922; and I do not recall the date of the Third Convention—probably 1924 or 1925.

Q. Now, when you were a member of the Workers' Party, did you attend any conventions of the Workers' Party? A. Yes, I did. [61]

Q. Do you remember the first convention of the Workers' Party that you attended, Mr. Schneiderman?

A. I think I attended the Convention in 1925; but it was not as a delegate. I was in Chicago for a convention of the Young Workers' League; and that convention of the Communist Party took place at the same time.

Mr. Andersen: Q. What was that date?

A. About 1925.

Mr. Hennessy: Q. Did you attend the so-called Second Convention of the Workers' Party, held on December 31, 1923 to January 2, 1924? A. No.

(Testimony of William Schneiderman.)

Q. Did you attend any subsequent conventions of the Workers' Party?

A. Not of the Workers' Party.

Q. Well, of the Workers' Communist Party or of the Communist Party?

A. Yes; I attended the national conventions in 1930, 1932, 1934, 1936 and 1938.

Q. As a delegate? A. As a delegate.

Q. Now, did you attend the International Convention in 1928? A. No.

Q. Were you a member of the Communist Party in 1928? A. Yes.

Q. Did the Communist Party maintain any literature department? A. Yes, it did.

Q. What was the name of the literature department in the Communist Party?

A. What was that?

Q. What was the name of the literature department of the Communist Party?

A. It is called the literature department of the Communist Party.

Q. Do they conduct any publication agencies or publication houses?

Mr. Andersen: At this time, if your Honor, we will object to that as calling for the conclusion and opinion of the witness.

Mr. Hennessy: He ought to know; he occupied an official position.

The Witness: A. There is a literature department; and, in addition to that, in recent years, the

(Testimony of William Schneiderman.)

Party has carried on its [62] work through a corporation known as the Workers' Library Publishers and the International Publishers.

Q. One of the publishers you named was the Workers' Library Publishers? A. Yes.

Q. That was a subsidiary of the Communist Party, was it?

Mr. Andersen: To which we object as calling for the conclusion and opinion of the witness.

The Court: Well——

Mr. Hennessy: If he knows.

The Court: If he knows, he may answer.

The Witness: A. I do not understand the question with regard to its being a subsidiary of the Communist Party.

Mr. Hennessy: Q. Was it an agent of the Communist Party?

A. It was organized by members of the Communist party to publish Communist publications.

Q. Under the direction of the National Committee of the Communist Party?

Mr. Andersen: The same objection: that it calls for the opinion and conclusion of the witness.

The Court: Q. It was organized by whom?

A. They were organized by members of the Communist Party to publish Communist publications.

Q. Was that when you were a member?

A. Oh, many years before I became a member.

Mr. Hennessy: Q. Do you remember when that

(Testimony of William Schneiderman.)

agency was organized to publish these publications of the Communist Party?

A. No; I do not recall.

Q. Is it still functioning? A. Yes, sir.

Q. Are there any other publishing companies that publish literature for the Communist Party?

A. Not that I know of.

The Court: It is time to adjourn.

(An adjournment was taken until 2 o'clock p. m., this date.) [63]

Afternoon Session

Mr. Andersen: Mr. Kenny, whom I associated in the case this morning was admitted to the court in the Southern District. May I move at this time his admission into this district?

The Court: Yes.

WILLIAM SCHNEIDERMAN,

recalled.

Direct Examination

(continued)

Mr. Hennessy: Q. Did the Daily Workers have any official newspaper?

Mr. Andersen: I do not believe that any such organization as that has been mentioned in court; and I object to that on the ground that is assuming something not in evidence.

Mr. Hennessy: Q. The Workers' Communist Party. A. Daily Workers' Party.

Q. Do they have an official newspaper?

(Testimony of William Schneiderman.)

A. Yes.

Q. What was the name of that paper?

A. The Daily Worker.

Q. During what period was it published?

A. Beginning from 1924 to date.

Q. Were you at any time connected with that newspaper? A. No.

Q. Were you special correspondent of it?

A. At times, I would send them some news items that they requested.

Q. I mean items with respect to the activities of the Communist Party.

A. Not necessarily. I wrote articles, on request, as an official of the Communist Party; but I was not a correspondent of the Daily Worker.

Q. Do you remember when you commenced sending articles in to the Daily Worker?

A. The first one I recall was when I was a delegate to the American Federation of Labor Convention in Los Angeles; and I believe I wrote some of the stories regarding that convention, for the Daily Worker. [64]

Q. What year was that?

A. In 1927, in the fall; October or November, I believe.

Q. Did you write any articles, prior to that, for the Daily Worker? A. I do not recall.

Q. Albert J. Bock was one of the witnesses who signed your petition for naturalization?

A. Yes, sir.

(Testimony of William Schneiderman.)

Q. Was he a member of the Workers' Party at the time he signed?

Mr. Andersen: We object to that as immaterial, irrelevant and incompetent.

The Witness: A. As I recall, he was at one time a member of the Young Workers' League; I don't know the exact date, because it was only for a very short time; I don't know whether he was a member of the Workers' Party; I believe not.

Q. Was he a member of the Young Workers' League at the time he signed the petition for your naturalization, as a witness?

A. I would not say for certain.

Mr. Andersen: I object to that, your Honor.

The Court: Overruled.

Mr. Hennessy: Q. You knew, of course, Minnie Karasick, who was also one of the witnesses.

A. Yes.

Q. Was she a member of the Young Workers' League at the time she signed as a witness to your naturalization petition? A. Yes.

Q. During all this period to which you have testified you were a member of the Young Workers' League, Young Workers' Party, Young Workers' Communist League, Young Communist League, Workers' Party, Workers' Communist Party and Communist Party of the United States of America, you subscribed to the principles of those parties during all of those years, didn't you?

A. Yes, I did.

(Testimony of William Schneiderman.)

Q. During all this period, you believed in and advocated the doctrine of the Socialistic principles promulgated by Marx and Lenin at that time?

A. I believed in the essential correctness of the Marx theory as applied by the Communist Party of the United States. [65]

Q. Did you also subscribe to the philosophy and principles of Socialism as manifested in the writings of Lenin? A. Yes.

Q. Are you familiar with the programme of the Communist International, enunciated, I think, in 1928?

A. Yes; I am familiar with it in so far as I have read the resolutions and reports of that congress.

Q. I show you what purports to be a book designated "Programme of the Communist International," and ask you if you have ever seen this book before, not that particular volume but a book having that designation. A. I believe I have.

Q. You are familiar with its contents and you subscribe to the principles enunciated in this book?

A. I agree with the general political conclusions that were adopted by that congress.

Q. This was adopted in 1928, was it not?

A. That is right.

Mr. Hennessy: I desire to offer this book in evidence.

Mr. Andersen: To which we will object, as there has been no proper foundation laid for the introduction of this type of evidence, so far as the complaint in this case alleges. In the first place, there is no

(Testimony of William Schneiderman.)

showing that a proper foundation has been laid for the introduction of the book itself. The complaint in this case, as I understand it, charges this defendant with having, at that time, believed in an overthrow of the Government of the United States of America by force and violence. I understand this book is just a general reference to the Communist International, which has no possible bearing or relation to the problem before the Court in this particular case.

Mr. Hennessy: We expect to show, may it please the Court, in the course of this trial, the Communist Party of the United States is affiliated with the Communist International, which is the world-wide Communist Party; that the program of the Communist International is the program of the Communist Party of the United States, and Mr. Schneiderman is a member of the Communist Party of [66] the United States of America, an official in it, and he believes in the principles enunciated in this program; and that the principles enunciated in this program are at variance with the terms of the United States Constitution. The principles enunciated in this program advocate the abolition of private property, the destruction of capitalistic government, the establishment of the dictatorship of the proletariat, and ultimately the Communist society in which everything shall be held and all persons shall be workers. On that theory, we think it is admissible. These documents issued by these parties have been held admissible in the case of

(Testimony of William Schneiderman.)

United States versus Tapolcsanyi, and many other cases. The Tapolcsani case was a cancellation of a naturalization, upon the ground that the defendant was a member of the Communist Party. The Court of Appeals of the Third Circuit decided that case on April 17, 1931. It is found in 40 Federal, 2nd, page 255. In that particular case, the Communist principles in the form of a copy of a "Manifesto and Programme, Constitution of the Communistic Party of America," were offered in evidence; and the Court admitted them in evidence, and, on the appeal, the Court of Appeals held they were properly admissible in evidence. I would like to call your Honor's attention to a quotation:

> "Having there declared himself a Communist for a period beginning before the date of his petition for naturalization and continuing after his naturalization and having thus clearly attested his attachment to the principles of the International Workingmen whose leader is the III Communist International, the government, in order to show that, contrary to his declaration under oath, he was not at the time of his application attached to the principles of the Constitution of the United States, introduced evidence of communistic principles in the form of a copy of a 'Manifesto and Program, Constitution of the Communistic Party of America—report to the Communist International,' the latter being the organization [67] or a re-

(Testimony of William Schneiderman.)

lated organization of the type of the one to which he referred in his letter and in his testimony as vivifying his principles. Sensing the effect of this document, the respondent vigorously resisted its admission in evidence and now earnestly assigns its admission as reversible error on the grounds that it was not formally proved in that the government failed to prove its adoption by the Communist Party of America; and that, if genuine, it was a declaration not binding on the respondent who, though he held a membership card issued to him by that organization, says he is not a member of that party."

This case is stronger. The defendant admits he is a member.

"In disposing of this assignment of error, together with a related assignment charging error in permitting a witness for the government to explain the political policies and relations of these communistic parties, it will be enough to say that if this were a suit in reliance upon, or growing out of, the constitution of one or another of these organizations, its constitution would of course have to be proved under familiar rules of evidence. But this is a proceeding in which a search was being made for the respondent's principles, which may be proved by showing the principles of the organizations of which he approved. Their principles

(Testimony of William Schneiderman.)

may be found in their utterances made in as nearly a formal way as they are susceptible, namely: in published documents circulated to the public with the purpose of enlisting its adherence."

They held that this particular book was properly received in evidence.

Mr. Andersen: We want our objection specifically to go to this point: that, so far as this particular piece of literature is concerned, there is no showing before this Court, nor has the question been asked of the witness, as to the extent of affiliation between the Communist Party of the United States and Communist International; that question has not been asked of the [68] witness. It is not something in evidence at the present time. This book, in and of itself, cannot be introduced in evidence for the specific purpose of serving as some evidence that has been so far left out of the record; nor has there been any showing that any program, as set forth in this proffered evidence, is binding upon the Communist Party of the United States of America. Before this defendant may be bound by any piece of literature, it must be shown as I view the pleading in this case: that not only does this witness but the Communist Party of the United States of America subscribe to all of the doctrines and tenets set forth in the particular literature.

(Testimony of William Schneiderman.)

Mr. Hennessy: He has expressed his approval of the principles enunciated.

The Court: If there is any question about the foundation, you may make further inquiry, if you wish.

Mr. Henenssy: Q. You testified, did you not, that you approved the principles enunciated in this program of the Communist International at their convention in 1928—didn't you?

Mr. Andersen: If I may object, that is a misstatement of the record, as I recall it.

The Court: He is asking that question now.

Mr. Andersen: I will object on the ground that it has already been asked and answered.

The Court: He may answer.

The Witness: A. I said that I agreed with the general theoretical conclusions stated in the program of Communist International.

Mr. Hennessy: Q. What do you mean by "general theoretical conclusions"?

A. Marxism is a philosophy and science; and it delves into the theory of politics and economics and all of the social forces; and the program of the Communist International is an interpretation of the Marxism theory, as it applies to general world [69] conditions. The application of that theory is something else.

Q. You approve of the program, as expressed by this book?

A. In so far as it interprets general Marxism

(Testimony of William Schneiderman.)

and Lenin theories, I am in full agreement with it.

Mr. Hennessy: I offer it in evidence.

Mr. Andersen: I renew the objection.

The Court: The objection will be overruled. It may be admitted and marked.

(Document marked "Government's Exhibit No. 6.")

Mr. Hennessy: We have made certain excerpts, Mr. Andersen, from the book which we have offered in evidence for the purpose of convenience, of which we will furnish you a copy for facilitating the examination of the book in the preparation of briefs, so that you will know what particular part of the book we rely on. You can select such parts as you desire in your brief.

Mr. Andersen: You are introducing the book in evidence, and will supply us with excerpts?

Mr. Hennessy: Yes.

The Court: Either side may use any part or portion of the book.

Mr. Andersen: We have no objection to that.

(The excerpts from "Programme of the Communist International" were marked "Government's Exhibit No. 6A.")

U. S. EXHIBIT No. 6-A

PROGRAMME OF THE COMMUNIST INTERNATIONAL

(The Program of the Communist International, together with the Constitution, was adopted at the

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

forty-sixth Session of the Sixth World Congress of the Communist International, September 1, 1928.)

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Programme of the Communist International
Page 8

"* * * Expressing the historical need for an international organization of revolutionary proletarians—the gravediggers of the capitalist order—the Communist International is the only international force that has for its programme the dictatorship of the proletariat and Communism, and that openly comes out as the organizer of the international proletarian revolution."

Programme of the Communist International
Pages 14-15

"Hence, the development of capitalism, and particularly the imperialist epoch of its development, reproduces the fundamental contradictions of capitalism on an increasingly magnified scale. Competition among small capitalists ceases, only to make way for competition among big capitalists; where competition among big capitalists subsides, it flares up between gigantic combinations of capitalist magnates and their governments; local and national crises become transformed into crises affecting a

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

number of countries and, subsequently, into world crises; local wars give way to wars between coalitions of States and to world wars; the class struggle changes from isolated actions of single groups of workers into nation-wide conflicts and subsequently, into an international struggle of the world proletariat against the world bourgeoisie. Finally, two main revolutionary forces are organizing against the organized might of finance capital—on the one hand the workers in the capitalist States, on the other hand, the victims of the oppression of foreign capital, the masses of the people in the colonies, marching under the leadership and the hegemony of the international revolutionary proletarian movement."

Programme of the Communist International

Page 28

III. The Ultimate Aim of the Communist International—World Communism.

"The ultimate aim of the Communist International, to replace world capitalist economy by a world system of Communism. Communist society, the basis for which has been prepared by the whole course of historical development, is mankind's only way out, for it alone can abolish the contradictions of the capitalist system which threatens to degrade and destroy the human race."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

Programme of the Communist International

Page 28

"The abolition of private property and the disappearance of classes will do away with the exploitation of man by man."

Programme of the Communist International

Page 32

IV. The Period of Transition From Capitalism to Socialism and the Dictatorship of the Proletariat.

1. The Transition Period and the Conquest of Power by the Proletariat.

"Between capitalist society and Communist society a period of revolutionary transformation intervenes, during which the one changes into the other. Correspondingly, there is also an intervening period of political transition, in which the essential State form is the revolutionary dictatorship of the proletariat. The transition from the world dictatorship of imperialism to the world dictatorship of the proletariat extends over a long period of proletarian struggles with defeats as well as victories; a period of continuous general crisis in capitalist relationships and growth of social revolutions, i.e., of proletarian civil wars against the bourgeoisie; a period of national wars and colonial rebellions which, although not in themselves revolutionary

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

proletarian socialist movements, are nevertheless, objectively, insofar as they undermine the domination of imperialism, constituent parts of the world prelotarian revolution; a period in which capitalist and socialist economic and social systems exist side by side in "peaceful" relationships as well as in armed conflict; a period of formation of a Union of Soviet Republics; a period of wars of imperialist States against Soviet States; a period in which the ties between the Soviet States and colonial peoples become more and more closely established, etc."

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Page 34

"The conquest of power by the proletariat does not mean peacefully 'capturing' the ready-made bourgeois State machinery by means of a parliamentary majority. The bourgeoisie resorts to every means of violence and terror to safeguard and strengthen its predatory property and its political domination. Like the feudal nobility of the past, the bourgeoisie cannot abandon its historical position to the new class without a desperate and frantic struggle. Hence, the violence of the bourgeoisie can be suppressed only by the stern violence of the proletariat. The conquest of power by the proletariat is the violent overthrow of bourgeois power, the de-

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

struction of the capitalist State apparatus (bourgeois armies, police, bureaucratic hierarchy, the judiciary, parliaments, etc.), and substituting in its place new organs of proletarian power, to serve primarily as instruments for the suppression of the exploiters."

Programme of the Communist International

Pages 38-40

"In this sphere the Communist International advances the following fundamental tasks of the proletarian dictatorship:

"A. Industry, Transport and Communication Services.

"a) The confiscation and proletarian nationalization of all large private capitalist undertakings (factories, works, mines and electric power stations) and the transference of all State and municipal enterprises to the Soviets.

"b) The confiscation and proletarian nationalization of private capitalist railway, waterway, automobile and air transport services (commercial and passenger air fleet) and the transference of all State and municipal transport services to the Soviets.

"c) The confiscation and proletarian nationalization of private capitalist communication services (telegraphs, telephones and wireless) and the trans-

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

ference of State and municipal communication services to the Soviets."

* * * * * * *

"B. Agriculture.

"a) The confiscation and proletarian nationalization of all large landed estates in town and country (private, church, monastery and other lands) and the transference of State and municipal landed property including forest, minerals, lakes, rivers, etc., to the Soviets with subsequent nationalization of the whole of the land.

"b) The confiscation of all property utilized in production belonging to large landed estates, such as: buildings, machinery and other inventory, cattle, enterprises for the manufacture of agricultural products (large flour mills, cheese plants, dairy farms, fruit and vegetable drying plants, etc.).

"c) The transfer of large estates, particularly model estates and those of considerable economic importance, to the management of the organs of the proletarian dictatorship and of the Soviet farm organizations.

* * * * * * *

"e) Prohibition of buying and selling of land, as a means of preserving the land for the peasantry and preventing its passing into the hands of capitalists, land speculators, etc. Offenders against this law to be severely prosecuted."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

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Page 47

5. Dictatorship of the Proletariat and the Classes

"The dictatorship of the proletariat is a continuation of the class struggle under new conditions. The dictatorship of the proletariat is a stubborn fight—bloody and bloodless, violent and peaceful, military and economic, pedagogical and administrative,—against the forces and traditions of the old society, against external capitalist enemies, against the remnants of the exploiting classes within the country, against the upshoots of the new bourgeoisie that spring up on the basis of still prevailing commodity production."

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"* * * Hence, revolution is not only necessary because there is no other way of overthrowing the ruling class, but also because, only in the process of revolution is the overthrowing class able to purge itself of the dross of the old society and become capable of creating a new society."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

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Page 53

"One of the most important tasks of the cultural revolution affecting the wide masses, is the task of systematically and unswervingly combating religion —the opium of the people. The proletarian government must withdraw all State support from the Church, which is the agency of the former ruling class; it must prevent all church interference in State-organized educational affairs, and ruthlessly suppress the counter-revolutionary activity of the ecclesiastical organizations. At the same time, the proletarian State, while granting liberty of worship and abolishing the privileged position of the formerly dominant religion, carries on anti-religious propaganda with all the means at its command and reconstructs the whole of its educational work on the basis of scientific materialism."

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Page 65

"In the event of the imperialist States declaring war upon and attacking the U.S.S.R., the international proletariat must retaliate by organizing bold and determined mass action and struggling for the overthrow of the imperialist governments with the slogan of: Dictatorship of the proletariat and alliance with the U.S.S.R.

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

"In the colonies, and particularly the colonies of the imperialist country attacking the U.S.S.R., every effort must be made to take advantage of the diversion of the imperialist military forces to develop an anti-imperialist struggle and to organize revolutionary action for the purpose of throwing off the yoke of imperialism and of winning complete independence."

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Page 75

"Standing out against all these tendencies is Proletarian Communism. The powerful ideology of the international revolutionary working class, it differs from all these tendencies, and primarily from Social Democracy, in that in complete harmony with the teachings of Marx and Engels, it conducts a theoretical and practical revolutionary struggle for the Dictatorship of the Proletariat, and in the struggle applies all forms of proletarian mass action."

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Page 83

"* * * The fundamental slogans of the Communist International in this connection must be the following: Convert imperialist war into civil war;

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

defeat the 'home' imperialist government; defend the U. S. S. R. and the colonies by every possible means in the event of imperialist war against them. It is the bounden duty of all Sections of the Communist International, and of every one of its members, to carry on propaganda for these slogans, to expose the 'socialistic' sophisms and the 'socialist' camouflage of the League of Nations and constantly to keep to the front the experiences of the war of 1914-1918."

Programme of the Communist International

Pages 85-92

"Constitution and Rules of the Communist International

"1. Name and Objects

"1. The Communist International—the International Workers' Association—is a union of Communist Parties in various countries; it is a World Communist Party. As the leader and organizer of the world revolutionary movement of the proletariat and the upholder of the principles and aims of Communism, the Communist International strives to win over the majority of the working class and the broad strata of the propertyless peasantry, fights for the establishment of the world dictatorship of the proletariat, for the establishment of a World Union of Socialist Soviet Republics, for the complete abolition of classes and for the achievement of socialism—the first stage of Communist society.

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

"2. Each of the various Parties affiliated to the Communist International is called the Communist Party of (name of country) (Section of the Communist International). In any given country there can be only one Communist Party affiliated to the Communist International and representing its Section in that country.

"3. Membership in the Communist Party and in the Communist International is open to all those who accept the programme and rules of the given Communist Party and of the Communist International, who join one of the basic units of a Party, actively work in it, abide by all the decisions of the Party and of the Communist International, and regularly pay Party dues.

* * * * * * *

"Party questions may be discussed by the members of the Party and by Party organizations until such time as a decision is taken upon them by the competent Party committees. After a decision has been taken by the Congress of the Communist International, by the Congress of the respective Sections, or by leading committees of the Comintern, and of its various Sections, these decisions must be unreservedly carried out even if a Section of the Party membership or of the local Party organizations are in disagreement with it.

"In cases where a Party exists illegally, the superior Party committees may appoint the sub-

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

ordinate committees and coopt members on their own committees, subject to subsequent endorsement by the competent superior Party committees.

* * * * * * *

"8. The supreme body of the Communist International is the World Congress of representatives of all Parties (Sections) and organizations affiliated to the Communist International.

"The World Congress discusses and decides programme, tactical and organizational questions connected with the activities of the Communist International and of its various Sections. Power to alter the programme and rules of the Communist International lies exclusively with the World Congress of the Communist International.

* * * * * * *

"12. The leading body of the Communist International in the period between Congresses is the Executive Committee, which gives instructions to all the Sections of the Communist International and controls their activity.

* * * * * * *

"13. The decisions of the E. C. C. I. are obligatory for all the Sections of the Communist International and must be promptly carried out. The Sections have the right to appeal against decisions of the E. C. C. I. to the World Congress, but must continue to carry out such decisions pending the decision of the World Congress.

* * * * * * *

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 6A—continued.)

"29. The Central Committees of Sections affiliated to the Communist International and the Central Committees of affiliated sympathizing organizations must send to the E. C. C. I. the Minutes of their meetings and reports of their work.

* * * * * * *

"35. The International League of Communist Youth (Communist Youth International) is a Section of the Communist International with full rights and is subordinate to the E. C. C. I."

[Endorsed]: U. S. Exhibit No. 6-A. Filed Dec. 7, 1939. Walter B. Maling, Clerk. By J. A. Schaertzer.

Mr. Hennessy: Q. I show you what purports to be a "Manifesto of the Communist Party by Karl Marx and Friedrich Engels," and ask you if you are familiar with the contents of this book.

A. I am familiar with the Communist Manifesto; but this is not, in my opinion, an authorized translation. This translation is an interpretation of the language of the Manifesto when translated from German into English; and there has been some conflict about that. This is not the authorized version, so far as I know. This is published by Charles Kerr. [70]

Q. I show you this book purporting to be the "Manifesto of the Communist Party by Karl Marx and Friedrich Engels," published by the Interna-

(Testimony of William Schneiderman.)

tional Publishers, New York, entitled, "Authorized English Translation"; and ask you if you are familiar with this particular publication.

A. Yes, I am.

Q. And is that one of the authorized publications of the Communist Manifesto by Marx and Engels? A. I believe it is.

Q. Do you approve of the principles enunciated in this Communist Manifesto of Marx and Engels?

A. This manifesto is the basis of tactics for Communism, under the Marxism theory. I believe that these general principles of Marxism, particularly as they applied to the period in which they were written and the country about which they were written, are entirely correct.

Q. Did you approve of those principles when you were admitted to citizenship in the United States District Court for the Southern District of California? A. Yes, I did.

Mr. Hennessy: I desire to offer this book in evidence, your Honor.

The Court: It may be admitted and marked.

(The document was marked "Government's Exhibit 7," and the excerpts therefrom, "Government's Exhibit 7A.")

(Testimony of William Schneiderman.)

U. S. EXHIBIT No. 7-A

MANIFESTO OF THE COMMUNIST PARTY

by

Karl Marx and Friedrich Engels

International Publishers
New York

Communist Manifesto

Page 22

"The immediate aim of the Communists is the same as that of all the other proletarian parties; formation of the proletariat into a class, overthrow of bourgeois supremacy, conquest of political power by the proletariat."

Communist Manifesto

Page 23

"In this sense, the theory of the Communists may be summed up in the single sentence: Abolition of private property."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 7-A—continued)

Communist Manifesto

Page 25

"In a word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend."

Communist Manifesto

Page 28

"The Communists are further reproached with desiring to abolish countries and nationality.

"The working men have no country. We cannot take from them what they have not got. Since the proletariat must first of all acquire political supremacy, must rise to be the leading class of the nation, must constitute itself the nation, it is, so far, itself national, though not in the bourgeois sense of the word."

Communist Manifesto

Page 30

"Nevertheless in the most advanced countries the following will be pretty generally applicable:

"1. Abolition of property in land and application of all rents of land to public purposes.

* * * * * * *

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 7-A—continued)

"3. Abolition of all right of inheritance.

* * * * * * *

"6. Centralization of the means of communication and transport in the hands of the State.

* * * * * * *

"9. Combination of agriculture with manufacturing industries; gradual abolition of the distinction between town and country, by a more equable distribution of the population over the country.

"10. * * * If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organize itself as a class, if, by means of revolution, it makes itself the ruling class, and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonisms, and of classes generally, and will thereby have abolished its own supremacy as a class."

Communist Manifesto

Page 44

"In short, the Communists everywhere support every revolutionary movement against the existing social and political order of things.

"In all these movements they bring to the front, as the leading question in each case, the property

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 7-A—continued)

question, no matter what its degree of development at the time.

"Finally, they labor everywhere for the union and agreement of the democratic parties of all countries.

"The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at the Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win.

"Working men of all countries, unite!"

[Endorsed]: U. S. Ex. 7-A. Filed Dec. 7, 1939.

Mr. Hennessy: Q. Mr. Schneiderman, in your testimony this morning you stated that a book called, "The State and Revolution," by Nicolai Lenin, was used in the educational work of Young Workers' League when you were educational director? A. Yes.

Q. I show you this book and ask you if this is the book to which you referred.

A. On second thought, I do not think—I am not absolutely sure that this book was used at that time, because I do not think it was available in

(Testimony of William Schneiderman.)

the English language in the United States at that time.

Q. Was it later used?

A. As I recall, this was published here probably around 1924 or 1925. [71]

Q. Was it later used in the educational work of the Young Workers' League and Workers' Communist League?

A. Probably was; I don't know, because I was not active.

Q. Was it circulated by the Communist Party?

A. It was circulated by the literature department.

Q. It purports to be published by The Workers Party of America, by The Daily Worker Publishing Company. The Daily Workers Publishing Company was authorized to issue Communist literature, was it not? A. That I don't know.

Mr. Hennessy: I desire to offer this in evidence, with the excerpts, may it please your Honor.

(Documents marked, respectively, "Government's Exhibits Nos. 8 and 8A.")

(Testimony of William Schneiderman.)

U. S. EXHIBIT NO. 8-A

THE STATE AND REVOLUTION

by

V. I. Ulianov—(Nicolai Lenin)

Published for The Workers Party of America by
The Daily Worker Publishing Co.
Chicago, Ill. U. S. A.

New Edition April 1924

The State and Revolution

Page 3.

Chapter I.

"Class Society and the State.

"1. The State as the Product of the Irreconcilability of Class Antagonisms.

"Marx's doctrines are now undergoing the same fate which, more than once in the course of history, has befallen the doctrines of other revolutionary thinkers and leaders of oppressed classes struggling for emancipation. During the lifetime of great revolutionaries, the oppressing classes have invariably meted out to them relentless persecution, and received their teaching with the most savage hostility, most furious hatred, and a ruthless campaign of lies and slanders. After their death, however, attempts are usually made to turn them into harmless saints, canonizing them, as it were, and

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

investing their name with a certain halo by way of 'consolation' to the oppressed classes, and with the object of duping them, while at the same time emasculating and vulgarizing the real essence of their revolutionary theories and blunting their revolutionary edge. At the present time the bourgeoisie and the opportunists within the labor movement are co-operating in this work of adultering Marxism. They omit, obliterate, and distort the revolutionary side of its teaching, its revolutionary soul, and push to the foreground and extol what is, or seems, acceptable to the bourgeoisie. All the Socialist Chauvinists are now 'Marxists'—save the mark! And more and more do German bourgeois professors, erstwhile specialists in the demolition of Marx, speak now of the 'National-German' Marx who, forsooth, has educated the splendidly organized working class for the present predatory war."

The State and Revolution

Page 4.

"Let us begin with the most popular of Engels' works, The Origin of the Family, Private Property, and the State, the sixth edition of which was published in Stuttgart as far back as 1894. Summarizing his historical analysis Engels says:

'The State in no way constitutes a force imposed on Society from outside. Nor is the State

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

'the reality of the Moral Idea,' 'the image and reality of Reason', as Hegel asserted. The State is the product of Society at a certain stage of its development. The State is tantamount to an acknowledgment that the given society has become entangled in an insoluble contradiction with itself, that it has broken up into irreconcilable antagonisms, of which it is powerless to rid itself. And in order that these antagonisms, these classes with their opposing economic interests, may not devour one another and Society itself in their sterile struggle, some force standing, seemingly, above Society, becomes necessary so as to moderate the force of their collisions and to keep them within the bounds of "order." And this force arising from Society, but placing itself above it, which gradually separates itself from it—this force is the State.' (Pages 117-178 of 6th German Edition)

"Here, we have, expressed in all its clearness, the basic idea of Marxism on the question of the historical role and meaning of the State. The State is the product and the manifestation of the irreconcilability, of class antagonisms. When, where and to what extent the State arises, depends directly on when, where and to what extent the class antagonisms of a given society cannot be objectively reconciled. And, conversely, the existence

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

of the State proves that the class antagonisms are irreconcilable."

The State and Revolution

Pages 5 and 6.

"* * * According to Marx, the State is the organ of class domination, the organ of oppression of one class by another. Its aim is the creation of order which legalizes and perpetuates this oppression by moderating the collisions between the classes * * *

"* * * * *

"* * * If the State is the product of the irreconcilable character of class antagonisms, if it is a force standing above society and 'separating itself gradually from it,' then it is clear that the liberation of the oppressed class is impossible without a violent revolution, and without the destruction of the machinery of State power, which has been created by the governing class and in which this 'separation' is embodied. This inference, theoretically quite self-evident, was drawn by Marx, as we shall see later, with the greatest precision from a concrete historical analysis of the problems of Revolution. And it is exactly this inference which Kautsky —we shall show this fully in our subsequent remarks—has 'forgotten' and distorted."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

The State and Revolution

Pages 10-13 inclusive

"A general summary of his views is given by Engels in the most popular of his works in the following words:

> "'Thus, the State has not always existed. There were societies which did without it, which had no idea of the State or of State power. At a given stage of economic development, which was necessarily bound up with the break up of society into classes, the State became a necessity, as a result of this division. We are now rapidly approaching a stage in the development of production, in which the existence of these classes is not only no longer necessary but is becoming a direct impediment to production. Classes will vanish as inevitably as they inevitably arose in the past. With the disappearance of classes the State, too, will inevitably disappear. When organizing production anew on the basis of a free and equal association of the producers, Society will banish the whole State machine to a place which will then be the most proper one for it—to the museum of antiquities side by side with the spinningwheel and the bronze axe.'

"It is not often that we find this passage quoted in the propagandist literature of contemporary So-

(Testimony of William Schneiderman.)
(U. S. Exhibit No. 8-A continued)

cial Democracy. But even when we do come across it, it is generally quoted as some sacred or ritual formula, that is, merely to show official respect for Engels, without any attempt to gauge the width and the depth of the revolutionary act presupposed by this 'banishment of the whole State machine to the museum of antiquities.' And often one cannot even trace the least comprehension of what Engels calls the State machine.

"4. The Withering Away of the State and Revolution by Force.

Engels' words regarding the 'withering away' of the State enjoy such a popularity, are so often quoted, and reveal so clearly the essence of the common adulteration of Marxism in an opportunist sense that we must examine them in detail. Let us give the whole argument from which they are taken.

> " 'The proletariat takes control of the State authority and, first of all, converts the means of production into State property. But by this very act it destroys itself, as a proletariat, destroying at the same time all class differences and class antagonisms, and with this, also, the State. Past and present Society, which moved amidst class antagonisms, had to have the State, that is, an organization of the exploiting class for the support of its external conditions of production, therefore, in particular, for the

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

forcible retention of the exploited class in such conditions of oppression (such as slavery, serfdom, wage-labor), as are determined by the given methods of production. The State was the official representative of the whole Society, its embodiment in a visible corporation: but it was such only in so far as it was the State of that class which, in the given epoch, alone represented the whole of Society. In ancient times it was the State of the slave-owners—the only citizens of the State: in the middle ages it was the State of the feudal nobility: in our own times it is the State of the capitalists. When ultimately, the State really becomes the representative of the whole of Society, it will make itself superfluous. From the time when, together with the class domination and the struggle for individual existence, resulting from the present anarchy in production, those conflicts and excesses which arise from this struggle will all disappear—from that time there will be nobody oppressed: there will, therefore, be no need for any special force of oppression—no need for the State. The first act of the State, in which it really acts as the representative of the whole of Society, namely, the assumption of control over the means of production on behalf of Society, is also its last independent act as a State. The interference of the authority

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

of the State with social relations will then become superfluous in one field after another, and finally will cease of itself. The authority of the Government over persons will be replaced by the administration of things and the direction of the processes of production. The State will not be "abolished"; it will wither away. It is from this point of view that we must appraise the phrase, "a free popular State"—a phrase which, for a time, had a right to be employed as a purely propaganda slogan, but which in the long run is scientifically untenable. It is also from this point of view that we must appraise the demand of the so-called anarchists that the State "should be abolished overnight.'' Herr Eugen Duehrings Umaeizung der Wissenschaft, p. 302, 303, Third German Edition.

"Without fear of committing an error, it can be said that the only point in this argument by Engels, so singularly rich in ideas, which has become an integral part of Socialist though among modern Socialist parties, has been that, according to Marx, the State 'withers away' in contradiction to the Anarchist teaching of the 'abolition' of the State. To emasculate Marxism in such a manner is simply to reduce it to opportunism, for such an 'interpretation' only leaves the semi-articulate con-

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

ception of a slow, even, continuous change, free from leaps and storms, free from Revolution. The current popular conception, if one may say so, of the 'withering away' of the State undoubtedly means a quenching, if not negation, of Revolution. Yet, such an 'interpretation' is a most vulgar distortion of Marxism, advantageous only to the capitalist classes and based theoretically on the neglect of the most important conditions and considerations pointed out in the very passage summarizing Engels' ideas, which we have just quoted in full.

"In the first place, at the very outset of his argument, Engels says that in assuming State power, the proletariat 'by that very act destroys the State as such'. It is not the custom to reflect on what this really means. Generally, it is either ignored altogether or it is considered as a piece of 'Hegelian weakness' on Engels' part. As a matter of fact, however, these words express succinctly the experience of one of the greatest proletarian revolutions—the Paris Commune of 1871, of which we shall speak in greater detail in its own place. In reality, Engels speaks here of the destruction of the capitalist State by the proletarian revolution, while the words about its withering away refer to the remains of a proletarian State after the Socialist revolution. The capitalist State does not wither away, according to Engels, but is destroyed by the proletariat in the course of the

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

revolution. Only the proletarian State or semi-State withers away after the revolution.

"Second, the State is a 'particular power of suppression.' This splendid and extremely profound definition of Engels is given by him here with complete lucidity. It follows therefrom that the 'particular power of suppression' of the proletariat by the capitalist class, of the millions of workers by a handful of rich, must be replaced by a 'particular power of suppression' of the capitalist class by the proletariat (the dictatorship of the proletariat). It is just this that constitutes the destruction of the State as such. It is just this that constitutes the 'act' of taking possession of the means of production on behalf of Society. And it is obvious that such a substitution of one (capitalist) 'particular power' by another (proletarian) 'particular power' could in no way take place in the form of a 'withering away.'

"Third, in using the term 'withering away', Engels refers quite clearly and definitely to the period after 'the taking over of the means of production by the State on behalf of the whole of Society,' that is, after the Socialist Revolution. We all know that the proletarian form of the 'State' is then an absolutely complete democracy. But it never enters the head of any of the opportunists who shamelessly distort Marx that Engels deals here with the withering away of the Democracy. At first sight

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

this seems very strange. But it will only be unintelligible to one who has not reflected on the fact that Democracy will also disappear when the State disappears. Only a revolution can 'destroy' the capitalist State. The State in general, that is, most complete democracy, can only wither away.

"Fourth, having formulated his famous proposition that the 'State withers away,' Engels at once explains concretely that this proposition is directed equally against the opportunists and the anarchists. In doing this, however, Engels draws, in the first place, that deduction from his proposition which is directed against the opportunists."

The State and Revolution

Pages 14-15.

"Fifth, in the same work of Engels, from which everyone remembers his argument on 'withering away' of the State, there is also a disquisition on the nature of a violent revolution; and the historical appreciation of its role becomes, with Engels, a veritable panegyric of a revolution by force. This, of course, no one remembers. To talk or even to think of the importance of this idea, is not considered respectable by our modern Socialist parties, and in the daily propaganda and agitation among the masses it plays no part whatever. Yet it is

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

indissolubly bound up with the 'withering away' of the State in one harmonious whole. Here is Engels' argument:

> 'That force also plays another part in history (other than that of a perpetuation of evil), namely, a revolutionary part; that, as Marx says, it is the midwife of every old society when it is pregnant with a new one; that force is the instrument and the means by which social movements hack their way through and break up the dead and fossilized political forms—of all this not a word by Herr Duehring. Duly, with sighs and groans, does he admit the possibility that for the overthrow of the system of exploitation force may, perhaps, be necessary, but most unfortunate if you please, because all use of force, forsooth, demoralizes its user! And this is said in face of the great moral and intellectual advance which has been the result of every victorious revolution! And this is said in Germany where a violent collision—which might, perhaps, be forced on the people—should have, at the very least, this advantage, that it would destroy the spirit of subservience which has been permeating the national mind ever since the degradation and humiliation of the Thirty Years' War. And this turbid, flabby, impotent, parson's mode of thinking dares offer itself for acceptance to the most revolutionary

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

party history has ever known!' (Page 193, Third German Edition).

The State and Revolution

Page 15.

"We have already said above and shall show more fully at a later stage that the teaching of Marx and Engels regarding the inevitability of a violent revolution refers to the capitalist State. It cannot be replaced by the proletarian State (the dictatorship of the proletariat) through mere 'withering away,' but, in accordance with the general rule, can only be brought about by a violent revolution * * *"

The State and Revolution

Page 61.

"2. The Transition from Capitalism to Communism.

"Between capitalist and communist society, (Marx continues) there lies a period of revolutionary transformation from the former to the latter. A stage of political transition corresponds to this period, and the State during this period can be no other than the revolutionary dictatorship of the proletariat."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

The State and Revolution

Page 64.

"* * * Naturally, for the successful discharge of such a task as the systematic suppression by the minority of exploiters of the majority of exploited, the greatest ferocity and savagery of suppression is required, and seas of blood are needed, through which humanity has to direct its path, in a condition of slavery, serfdom and wage labor."

The State and Revolution

Page 65

"Finally, only under Communism will the State become quite unnecessary, for there will be no one to suppress—'no one' in the sense of a class, in the sense of a systematic struggle with a definite section of the population * * *"

The State and Revolution

Page 69

"* * * While the State exists there can be no freedom. When there is freedom there will be no State."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 8-A continued)

The State and Revolution

Page 71.

"But the scientific difference between Socialism and Communism is clear. That which is generally called Socialism is termed by Marx the first or lower phase of Communist society. In so far as the means of production become public property, the word Communism is also applicable here, providing that we do not forget that it is not full of Communism. * * *"

[Endorsed]: U. S. Ex. 8-A. Filed Dec. 7, 1939.

Mr. Hennessy: Q. Are you familiar with a book called, "'Left-Wing' Communism: An Infantile Disorder," published by the International Publishers, 381 Fourth Avenue, New York?

A. Yes.

Q. Is that book circulated by the Communist Party in the United States of America?

A. It was, at one time; but I could not place the date, because I do not think it was available in that English translation for several years after it was written.

Q. Do you remember about when it was circulated by the Communist Party of America?

A. No; I could not place the exact date.

Q. Do you think it was a couple of years after?

A. At least that. It was written in 1920. Until this edition was published there was, to my knowl-

(Testimony of William Schneiderman.)

edge, no authorized translation of this work. There were many versions of translation.

Q. Was this work used in the schools of the Communist Party?

A. It has been used recently.

Mr. Hennessy: I desire to offer this in evidence, may it please your Honor.

The Court: It may be admitted and marked.

[72]

(The document and its excerpts were marked, respectively, "Government's Exhibits Nos. 9 and 9A.")

U. S. EXHIBIT 9-A

"LEFT-WING" COMMUNISM:
AN INFANTILE DISORDER
By
V. I. Lenin

International Publishers
381 Fourth Avenue
New York
Dated: April 27, 1920.

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 9-A—continued)

"Left-Wing" Communism

Page 9

The Dictatorship of the Proletariat.

"The dictatorship of the proletariat is the most determined and the most ruthless war waged by the new class against the more powerful enemy, against the bourgeoisie, whose resistance is increased tenfold by its overthrow (even though only in one country) and whose power lies not only in the strength of international capital, in the strength and durability of the international connections of the bourgeoisie, but also in the force of habit, in the strength of small-scale production * * *"

"Left-Wing" Communism

Page 11

Bolshevism its birth and place in history.

"On the one hand, Bolshevism arose in 1903 on the very firm foundation of Marxian theory. And the correctness of this—and only this—revolutionary theory has been proved not only by the experience of all countries during the entire nineteenth century but particularly by the experience of the wanderings and vacillations, the mistakes and disappointments of revolutionary thought in Russia. For almost half a century—approximately between

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 9-A—continued)

the 'forties and 'nineties of last century—advanced thinkers in Russia, under the oppression of an unprecedented, savage and reactionary tsarism, sought eagerly for the correct revolutionary theory, following each and every 'last work' in Europe and America in this sphere with astonishing diligence and thoroughness. Russia achieved Marxism, as the only correct revolutionary theory, virtually through suffering, by a half century of unprecedented torments and sacrifice, of unprecedented revolutionary heroism, incredible energy, painstaking search and study, testing in practice, disappointments, checking, and comparison with European experience. Thanks to the emigration enforced by tsarism, revolutionary Russia, in the second half of the nineteenth century, possessed such a wealth of international connections and such excellent information about world forms and theories of the revolutionary movement as no other country in the world possessed."

"Left-Wing" Communism

Page 28

"* * * We in Russia (in the third year after the overthrow of the bourgeoisie) are taking the first steps in the transition from capitalism to socialism, or the lowest stage of communism. Everywhere, classes have remained and will remain for

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 9-A—continued)

years after the conquest of power by the proletariat. Perhaps in England, where there is no peasantry (but where, nevertheless, there are small proprietors!), the period will be shorter. The abolition of classes not only means driving out the landlords and capitalists—that we accomplished with comparative ease—it means also getting rid of the small commodity producers, and they cannot be driven out or crushed; we must live in harmony with them; they can (and must) be remoulded and re-educated, but this can be done only by very prolonged, slow, cautious organizational work * * *"

[Endorsed]: U. S. Ex. No. 9-A. Filed Dec. 7, 1939.

Mr. Hennessy: Q. I show you a book, Mr. Schneiderman, designated "Programme of the Young Communist International," published by the Young Communist League of America, 43 East 125th Street, New York City; and ask you if you are familiar with this book.

A. I am familiar with the "Programme of the Young Communist International"; I don't know if it is exactly this edition of the book.

Q. Were copies of that "Programme of the Young Communist International" used in the schools of the Young Communist League?

A. Yes, they were. The reason I make this dis-

(Testimony of William Schneiderman.)

tinction about this book is because there were many versions of the translation, and there were, at times, even distortions, among various political groups, of the translation, in order to defend a particular theory they had; that is why some of the translations varied very widely; and in some cases there were even whole sections left out or put in to defend some particular point.

Q. Can you state whether this particular translation, by the Young Communist League of America, was in general circulation among the members of the Communist Party, or used in the schools?

A. It probably was; although I do not know whether that is the authorized translation.

Mr. Andersen: I will object to that on the ground of insufficient foundation. May I, at this time, reserve an objection? The objection I would like to reserve is this: The United States Attorney has introduced in evidence the Communist Constitution of the Communist Party; and we, of course, did not have time, as these exhibits came in, to read them and study them; but, in so far as this may be an attempt by the Government to impeach any of his previous evidence and any other evidence, I desire to reserve an objection as to that particular point. May that be reserved, your Honor? [73]

The Court: It may.

Mr. Hennessy: I have no objection.

The Court: Q. What do you mean by "an authorized edition"?

(Testimony of William Schneiderman.)

A. An authorized edition is an edition which is, as far as we can judge, the most accurate translation, because those which were introduced here were originally written either in the French, Russian or German language, and they were translated for circulation.

Q. Who approves or designates the one to be used?

A. The Communist Party, because, in their judgment, they consider a certain translation is fairly accurate.

Q. Did you ever pass on any of these translations, yourself?

A. No; I did not. I am not familiar with the details of how it was worked, because that is done in the National office.

Q. Where is that?

A. In New York. My work has always been outside of New York, mainly in California. I am not familiar with the details.

Q. Weren't you a member at one time of the National Committee?

A. I am a member of the National Committee.

Q. What is the National Committee?

A. The National Committee is a committee elected at conventions for the entire Party; but, being a member of the National Committee, I am under the National directors.

Q. Tell us what this is.

(Testimony of William Schneiderman.)

A. My work has always been in some district outside of New York. This appears to be a program of the Young Communist International. Although it has the name, "Young Communist League of America," it was printed in England by a firm with which I am not at all familiar; that is why I reserved some judgment on it.

Q. Examine it and see if there is anything that you observe. You are familiar with it, generally, I take it?

A. I can give an opinion as to whether it is a program of the Young Communist [74] International; but I cannot vouch for the accuracy of the translation.

Q. We are not concerned so much with that. But tell us whether or not you know it.

A. Yes.

Mr. Hennessy: I offer it in evidence.

The Court: It may be admitted and marked.

Mr. Andersen: I object to it on the further ground that, so far as the Young Communist International is concerned, there is so far in the record no showing of any direct affiliation of the Young Communist International or Young Workers' League with the Communist Party of the United States of America or its predecessor or predecessors; there were two or three predecessors.

Mr. Hennessy: He has testified that he was a member of the Young Communist Workers; and we have a right to show what they believed.

(Testimony of William Schneiderman.)

Mr. Andersen: Unquestionably he testified to that effect, but the basis of this case, as I understand it, is an attempt to show he believed in force and violence while a member primarily of the Communist Party and its predecessors, not necessarily the Young Workers League.

Mr. Hennessy: Our theory is that, on June 10, 1927, when Mr. Schneiderman received the certificate of citizenship, he was not attached to the principles of the American Constitution, and he was a disbeliever in organized government and believed in the overthrow of capitalistic government by force and violence; and we have a right to offer in evidence that to exemplify what his state of mind was at that time, whether it be his activities before or after; he has testified that he was associated with this Young Workers League; and we want to show what this Young Workers League was and what it professed; and this is one chain of evidence that we are offering on that subject. It is not the complete chain; but it is in the chain. [75]

Mr. Andersen: I will object on the ground it is immaterial, irrelevant and incompetent. It may be that the defendant was a member of some other organization, and, as you introduce constitutions and excerpts and this and that and the other from now on, I think there should be some definite foundation laid and some definite relevancy shown prior to the admission in evidence of any particular document or any particular excerpt.

(Testimony of William Schneiderman.)

Mr. Hennessy: We have a right to show any evidence that would be relevant upon the issue, whether he was attached to the principles of the United States Constitution when he received his citizenship. We are not limited even to Communistic literature. We could show he belonged to any organization that proved that he was not attached to the principles of the United States Constitution.

The Court: I will allow it.

Mr. Hennessy: I will ask that it be marked Government's Exhibit No. 10; and the excerpt, 10A.

(The documents were marked, respectively, "Government's Exhibits Nos. 10 and 10A.")

U. S. EXHIBIT No. 10-A

PROGRAMME OF
THE YOUNG
COMMUNIST
INTERNATIONAL

Published by
Young Communist League of America,
43 East 125th Street, New York City.

Programme of the Young Communist International

Page 8.

"Two main ideas run through the programme, an understanding of which gives the key to the Young Communist movements and its principles.

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 10-A—continued.)

The first is that of the role of the youth in contemporary society; the second is that of the role of the Young Communist Leagues in the class struggle, and in the revolutionary organisations arising from this struggle."

Programme of the Young Communist International

Page 9.

"The relations between the Communist International and the Young Communist International were defined in point 14 as follows: 'The Executive Committee of the Young Communist International is organisationally connected with the Third International, and works in close harmony with it.' Again, there is nothing of leadership and subordination, but merely organisational contact and co-operation."

Programme of the Young Communist International

Pages 22-23

"The proletarian world revolution consists of a series of varied processes: purely proletarian revolutions, bourgeois democratic revolutions which grow into proletarian revolutions, national-liberation wars and colonial revolutions. All those kind

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 10-A—continued.)

of revolutions lead in their totality to the world dictatorship of the proletariat.

> " 'The social revolution can only take place in an epoch which combines civil war between the proletariat and the bourgeoisie in the advanced capitalist countries with a whole series of democratic and revolutionary movements, including national-liberation movements, among the undeveloped, backward and oppressed nations.' " Lenin."

Programme of the Young Communist International

Page 30

The Ultimate Aim of the Y. C. I.: World Communism.

"The ultimate aim of the C. I. and Y. C. I. is world Communism."

Programme of the Young Communist International

Pages 40-41

"The Y. C. L. does not limit its activity to the framework of "legality" ordained by the bourgeoisie. In its struggle against capitalism, the Y. C. L. is continually compelled to combine its open legal activity with illegal and semi-legal work and therefore to overstep the limits laid down for it by bourgeois legality."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 10-A—continued.)

Programme of the Young Communist International

Pages 46-47.

"The Y.C.L., jointly with the C.P., puts the following tasks foremost in its anti-militarist work:

"(a) Defence of the Soviet Union aganst the attacks of the capitalists.

"(b) Active participation in the liberation struggle of the oppressed peoples against imperialism.

"(c) Revolutionary work in the bourgeois army through the organisation of nuclei, revolutionary circles and groups, i.e., work among the recruits and regular troops, among the reserves and colonial occupation troops, among organisations for military training; educational propaganda against war, militarism, and the utilisation of the army in the service of capitalism.

"(d) Struggle against the militarisation of the youth, carried on by the bourgeoisie. This militarisation is carried out in various forms, the most important of which are the measures for the military training of the youth. While in some cases the bourgeois military training of the youth is obligatory, there are cases when the bourgeoisie endeavors to conceal the true character of this militarisation, by either establishing or encouraging various so-called neutral and voluntary organisations for the military training of the youth. In the majority

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 10-A—continued.)

of cases, however, even in the case of voluntary youth organisations, economic and political pressure is brought to bear on the young people, so as to induce them to join these organisations."

Programme of the Young Communist International

Page 59.

"* * * The Communist youth must master the basic problems, the organisational principles, tactics and theory of Leninism, in order to fulfill the requirements of the class struggle fully armed with revolutionary theory."

Programme of the Young Communist International

Page 69.

"The national-liberation struggle of the oppressed peoples of the colonial and semi-colonial countries plays a tremendous role in the world revolution against capitalism. The importance of national revolutionary movements in the colonial countries lies in the fact that: (1) They directly assist the working class in the struggle against imperialism and for the international dictatorship of the proletariat, and (2) They pave the way for the Socialist revolution in the colonies."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 10-A—continued.)

Programme of the Young Communist International

Pages 82-83

"The revolutionary youth has, till now, been the purest and brightest flame of the revolution; it will remain an inextinguishable flame in the world proletarian revolution. Marching with the Y.C.I. in the ranks of the Communist International, the toiling youth of all countries approaches the achievement of its great aim:

"The overthrow of world capitalism! The victory of world Communism! The complete emancipation of the toiling youth from the slavery of today!

We have begun the struggle! Against a world of bourgeois enemies! Against those who have betrayed our banners!

"No executioners, extraordinary tribunals or gallows can stifle our challenge. Our deeds and sacrifices will silence both the murderers and those who sneer at us.

"The iron course of history, our scientific foresight of the future, our Communist consciousness, the enthusiasm and daring determination of our youthful hearts ensure our ultimate victory.

"Young workers! Young toilers of all countries!

"Close the ranks!

"Unite under the red banner of the Young Communist International!"

[Endorsed]: U. S. Ex. No. 10-A. Filed Dec. 7, 1939.

(Testimony of William Schneiderman.)

Mr. Hennessy: Q. Mr. Schneiderman, you were an organizer of the Workers Party in 1928, were you not?

A. No; I was not an organizer of the Young Communist League, at that time.

Q. Were you not secretary?

A. I was not secretary of the Party until 1930.

Q. I show you a book purporting to be "Acceptance Speeches, William Z. Foster, Candidate for President and Benjamin Gitlow, Candidate for Vice-President Of The Workers (Communist) Party," published for the National Election Campaign Committee by Workers Library Publishers. The Workers Library Publishers was one of the agencies of the Communist Party for publishing literature, at that time, was it not?

Mr. Andersen: To which I object as calling for the opinion and conclusion of the witness. [76]

The Witness: A. I am not familiar with it.

Mr. Hennessy: Q. You never saw that book before? A. No.

Q. Were you present at the convention in 1928?

A. No.

Q. I show you a book entitled, "The Theory and Practice of Leninism," published by the Workers Party of America by The Daily Worker Publishing Company, Chicago, Illinois. Are you acquainted with the book?

A. I am familiar with the work, although I am not familiar with this particular edition.

(Testimony of William Schneiderman.)

Q. That is apparently an edition authorized by the Workers Party of America?

Mr. Andersen: To which I object as calling for the opinion and conclusion of the witness.

Mr. Hennessy: Q. Do you know?

A. I do not know. I am sure I read the work; but this particular edition I am not familiar with.

Q. Is there anything about this edition that leads you to believe that it is different from the edition that you have read?

A. I do not know. I read it, in book form, after the work was corrected and edited; I cannot vouch for this particular edition.

Q. Do you know whether or not this particular edition has been used by the Communist Party, in its literature department, for circulation of propaganda?

A. It probably was; but I could not vouch for it. I have no personal knowledge.

Q. You, personally, did not use it?

A. No.

Q. Did you observe it in the Communist Party stores? A. No.

Q. Does the Communist Party maintain bookstores?

A. Yes. The edition you have there is a very old edition,—at least, an edition of 10 or 15 years ago.

Q. Do you remember when this book was first published, Mr. Schneiderman?

(Testimony of William Schneiderman.)

A. No; I do not.

Mr. Hennessy: I would ask that it be marked for identification. [77]

The Court: It may be marked for identification.

(Document marked "Government's Exhibit 11 for Identification.")

Mr. Hennessy: Q. I show you a book designated, "The 4th National Convention, Workers (Communist) Party of America, Held in Chicago, Ill., Aug. 21-30, 1925," published by the Daily Worker Publishing Company. Are you familiar with that book and its contents?

A. No; I am not familiar with this particular convention literature.

Mr. Hennessy: I ask that that be marked for identification.

The Court: It may be marked for identification.

(Document marked "Government's Exhibit 12 for Identification.")

The Witness: Might I return, for a moment, to a previous book? You introduced "The Theory and Practice of Leninism"?

Mr. Hennessy: Q. Yes?

A. One of the reasons I cannot vouch for this particular book is that I see the name of the author is misspelled. His name is Joseph Stalin, and this particular pamphlet reads "By I. Stalin." Any book that makes a mistake like that, I certainly would not vouch for its correctness.

(Testimony of William Schneiderman.)

Q. Mr. Schneiderman, I show you a book designated, "The Second Year of the Workers Party of America," published by the Literature Department, Workers Party of America, 1009 North State Street, Chicago, Illinois; and ask you if you are familiar with that book and its contents.

A. No; I am not.

Mr. Hennessy: I ask that this be marked for identification.

The Court: It may be marked.

(Book marked "Government's Exhibit 13 for Identification.")

Mr. Hennessy: I would like to offer this book for identification. This is one Mr. Schneiderman could not identify. It is, "Acceptance Speeches By William Z. Foster, Candidate for President, and Benjamin Gitlow, Candidate for Vice President, of the Workers Communist Party."

The Court: It may be marked for identification.

[78]

(Acceptance Speeches marked "Government's Exhibit 14 For Identification.")

Mr. Hennessy: Q. Mr. Schneiderman, I show you a book designated, "The Platform of the Class Struggle; National Platform of the Workers (Communist) Party," purporting to be issued by the National Election Campaign Committee of the Workers (Communist) Party in 1928; and ask you if you are familiar with that book and its contents.

A. No; I am not.

(Testimony of William Schneiderman.)

Q. Were you familiar with the platform of the Workers Communist Party in 1928?

A. As I understand, this was the election platform adopted for the Presidential election.

Q. Yes?

A. I am, of course, familiar with the general program of the party; but this particular platform was adopted at a convention which I did not attend, and I was not familiar with the decisions of that particular convention.

Q. Did you approve the platform at that time?

Mr. Andersen: To which I will object as immaterial, irrelevant and incompetent.

The Court: It may or may not become material. He may answer.

Mr. Hennessy: I am asking what his views were, whether he approves a certain platform.

The Witness: A. As I stated, I was in agreement with the general program and principles of the Party at that time; but I am not familiar with the particular platform which was adopted at the convention, which I did not attend.

Mr. Hennessy: Q. You subsequently read the platform, did you not?

A. No; I do not recall that I did. This platform was adopted at a convention where certain individuals were in the leadership of the Party whom I did not approve of and who were subsequently expelled, including the general secretary at that time,—J. Lovestone.

(Testimony of William Schneiderman.)

The Court: Q. What year was that?

A. 1928. That is why I say I cannot vouch for that particular platform. [79]

Mr. Hennessy: I ask that that be marked for identification.

The Court: It may be marked.

(Document marked "Government's Exhibit 15 For Identification.")

Mr. Hennessy: Q. I show you a book entitled, "A. B. C. of Communism," by N. Bucharin and E. Preobraschensky, published by Lyceum-Literature Department, Workers Party of America, Room 405, 799 Broadway, New York City; and ask you if you are familiar with this book, Mr. Schneiderman. A. Yes, I am.

Q. Do you remember when that book came out?

A. No; I could not remember the exact year; but it must have been somewhere between 1920 and 1924.

Q. Was that book used by the Communist Party, in the extension of its propaganda?

A. I do not know whether it was; because this book was never accepted as an authorized version, and it was subsequently barred from use in all of our schools and open forums and discussions.

Q. Do you remember when it was barred?

A. No. I could check upon that. The authors and the editors were not entirely in agreement with the theoretical position of the Communist Party on several questions; and this book was

(Testimony of William Schneiderman.)

barred, and, later, the authors and editors were expelled from the Communist Party—That is, not from the Communist Party of America, but from the Communist Party of Russia.

Q. This book apparently was issued under the auspices of the Workers Party of America, was it not? A. I do not know.

Mr. Hennessy: I ask that it be admitted and marked.

The Court: It may be admitted and marked for identification.

(Document marked "Government's Exhibit No. 16 For Identification.")

Mr. Hennessy: Q: I show you a book designated: "The International of Youth, Organ of the Executive Committee of the Young Communist International," published by International Publishing [80] House of the Young Communist International, c/o Young Communist League, 38 Great Ormond Street, London, W. C. 1. Are you familiar with this book?

A. This is a periodical magazine, which I believe was a quarterly at that time.

Q. When was that issued, if you know?

A. I would not recall the exact date; probably before 1925. I have read some of the issues of this particular magazine; but I could not vouch for having read this particular one.

Mr. Hennessy: I would ask that this be marked for identification.

(Testimony of William Schneiderman.)

The Court: It may be marked.

(Document marked "Government's Exhibit 17 For Identification.")

Mr. Hennessy: Q. I show you a book designated, "Why Communism? Plain Talks on Vital Problems," by M. J. Olgin, apparently issued by the Workers Library Publishers, New York; and ask you if you are familiar with that book, Mr. Schneiderman.

A. This book was published while I was out of the country; and I do not recall ever having read it.

Q. You are not familiar with it, then?

A. I have heard of the book and read about it; but I do not believe I ever read it, because at the time it was being circulated by the Party I was not in the country at the time.

Q. Was it circulated by the Party?

A. I believe so.

Mr. Hennessy: Then, I offer it in evidence.

Mr. Andersen: To which we will object on the ground it is irrelevant, incompetent and incompetent; no proper foundation laid. The mere fact that the Communist party may have circulated this particular piece of literature does not mean that this particular document would advocate force and violence. I am not familiar enough with the document to know what it does state; but I doubt very much whether it does refer to force and violence. Let us assume it does: Merely because they distributed literature does not [81] mean that they advocated

(Testimony of William Schneiderman.)

violence, within the allegation of the complaint on file.

Mr. Hennessy: Under the decisions, if a man is a member of an organization and his state of mind is the issue, we have a right to show just what that organization taught and advocated; and certainly so when a man was an officer of the organization, such as Mr. Schneiderman was.

Mr. Andersen: To which I object. There is no foundation to that very statement that Mr. Hennessy has made.

Mr. Hennessy: That is what the decisions hold.

The Court: I will allow it, subject to your motion to strike and over your objection.

(Document marked "Government's Exhibit No. 18"; and the excerpt, "18A.")

U. S. EXHIBIT No. 18-A

WHY COMMUNISM?

By M. J. Olgin

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Why Communism?

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"We Communists say that there is one way to abolish the capitalist State, and that is to smash

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 18-A continued.)

it by force. To make Communism possible the workers must take hold of the State machinery of capitalism and destroy it."

Why Communism?

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"If this fight has been carried on with sufficient determination, the ground is prepared for action when war comes. The workers do not realize that it is in their power to postpone war. It is. Workers in ammunition plants, go on strike! Shut down your plants! Prevent governmental strike-breakers from resuming work! Railroad men, refuse to handle war materials or to transport troops! Keep guard over your railroad yards and depots lest transportation facilities be used by governmental agents. Marine workers, do not load either men or ammunition! Truck drivers, refuse to assist in war work! Workers of other industries, help the strikers. Farmers, refuse to give your foodstuffs and raw materials to be used for the slaughter!

"If the workers rise in this way against war, the capitalists with their armed forces will try to break the deadlock. There will be attacks on strikers. The workers will have to offer resistance. We Communists do not close our eyes to the fact that this means civil war. But when the masses are organ-

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 18-A continued.)

ized and fight in great numbers under revolutionary leadership the victory is assured. Part of the army is certain to waver and to join the people. There may be victims, but their number can not be compared to the losses in life and limb that the workers would suffer in the imperialist war.

"Victory in the civil war spells the doom of the capitalist State.

"We Communists do not say to the workers that they have to begin the civil war today or tomorrow. We say that the civil war is the inevitable outcome of long and arduous struggles against the capitalists and their State and that these struggles must be made the every-day practice of the working class."

Why Communism?

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"This government has the great task of taking away from the owners the plants, factories, railroads, banks and turning them into public property to be administered by the workers for the common benefit of all. In other words, it is the task of the Soviets to abolish private property in the means of production and to establish Socialist production and distribution.

"This cannot be accomplished peacefully. The exploiters won't give up their loot even after their

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 18-A continued.)

State power is crushed. They will have to be routed. The Soviet government will have to expropriate the expropriators by force. The latter will conspire and plot against the new system; they will organize counter-revolutionary uprisings. The Soviet State will have to crush these with an iron hand. The former exploiters will be given no quarter. * * *"

Why Communism?

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VI

The Revolutionary Overthrow of Capitalism and the Dictatorship of the Proletariat

"The overthrow of the State power, and with it, of the capitalist system, grows out of the everyday struggles of the workers. One is historically inseparable from the other.

"As the organization of the workers grows, as their struggles become fiercer, while many non-proletarian elements like farmers, intellectuals, and oppressed members of the lower middle class join the revolutionary movement, the final ouslaught on the fortress of capitalism draws nearer. These struggles are the reaction of the masses to the misery wrought by the crisis of capitalism. The capitalists try to overcome the crisis by putting additional burdens on the shoulders of the masses,

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 18-A continued.)

but they cannot cure the incurable disease. There comes a time when large sections of the population say that this simply 'cannot go on'. The government seems to be entirely incompetent to cope with the political and social difficulties. The belief of the population in the wisdom and all-powerfulness of the 'men higher up' is shaken. These men are losing their confidence. The confidence of the masses in their own strength is growing apace. The struggles of the masses meanwhile become broader and deeper. The government tries suppression. It does not succeed in crushing the spirit of revolt. It cannot stem the tide. The previous struggles of the workers count greatly. The clearer the class-consciousness of the workers, the more steeled they are in fighting, the better the revolutionary leadership they have developed in the cou e of years (the Communist Party), the greater the number of friends they have allied with themselves from among the other oppressed classes, the more capable are they to deal the final blow.

"It is not necessary that this final blow, i.e., the revolution, should come in connection with an imperialist war, although this is very likely. Capitalism will seek to prevent a revolution by plunging the country into war. War is to serve not only as a way out of the crisis but as a means to arouse the patriotism of the masses, to increase governmental terror (martial law), and to divert public attention from internal affairs. War, under such conditions,

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 18-A continued.)

for a while retarding the revolutionary movement, may hasten it later when the war sufferings begin to tell on the masses.

"A time comes when there is demoralization above, a growing revolt below; the morale of the army is also undermined. The old structure of society is tottering. There are actual insurrections; the army wavers. Panic seizes the rulers. A general uprising begins.

"Workers stop work, many of them seize arms by attacking arsenals. Many had armed themselves before as the struggles sharpened. Street fights become frequent. Under the leadership of the Communist Party, the workers organize Revolutionary Committees to be in command of the uprising. There are battles in the principal cities. Barricades are built and defended. The workers' fighting has a decisive influence with the soldiers. Army units begin to join the revolutionary fighters; there is fraternization between the workers and the soldiers, the workers and the marines. The movement among the soldiers and marines spreads. Capitalism is losing its strongest weapon, the army. The police as a rule continue fighting, but they are soon silenced and made to flee by the united revolutionary forces of workers and soldiers. The revolution is victorious."

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 18-A continued.)

Why Communism?

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"* * * In other words, while the Socialists solicit votes in order to reform the State and thereby to make it more effective for the capitalists, we Communists practice revolutionary parliamentarism by which is meant strengthening the working class and weakening its enemies. We go to the law-making institutions, not to tinker them up for the benefit of the capitalists, but to be a monkey wrench in their machinery, preventing it from working smoothly on behalf of the masters. We use, while there, every step of those agents of the capitalists to expose them before the people, to show what these so-called representatives of the people and what all these so-called democratic institutions actually are."

Why Communism?

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"Hand in hand with the Communist Party and under its guidance functions the Young Communist League, the revolutionary organization of the young workers. Many other organizations function under the guidance of and in close cooperation with the Communist Party.

"There is a Communist Party in every country of the world. All of them work for the same end, and

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 18-A continued.)

all of them adapt their activities to conditions existing in their country. Delegates from each Communist Party gather once in a few years to an international Communist Congress (there have been six of them so far). The Congress meets for two or three weeks and discusses thoroughly the international situation and the situation in every country. Experiences of a world-wide struggle are shared and a general line of further struggles mapped out. The Congress elects an Executive Committee which is the leading body between one congress and the other. The decisions of the Executive Committee of the Communist International guide the activities of the parties. The Executive Committee meets at intervals of a few months. Its meetings very much resemble a small congress. Between one meeting and the other a smaller body called Presidium is conducting the affairs of the organization. The organization is called the Communist International and expresses the common purpose and common decisions of all the Communist Parties of the world. The Communist International (Comintern) gives unity of policy and leadership to the entire revolutionary movement of the world. It is the general staff of the world revolution of all the exploited and oppressed.

"The Communist Party of the Soviet Union is affiliated with the Communist International. It is the most influential but not the only influential

(Testimony of William Schneiderman.)

(U. S. Exhibit No. 18-A continued.)

Party in the International. It is one part but not the whole of the International. Its advice is highly precious because it has long accomplished what the Communist Parties of the world are only striving at—the proleterian revolution. The advice and experiences of the other Parties, however, are also of great value in determining the policies of the Comintern. The seat of the Comintern is Moscow because this is the capital of the only workers' and peasants' government in the world, and the Comintern can meet there freely. As the workers become the rulers of other countries, the Comintern will not have to confine its meetings to Moscow alone.

"The Communist Party of the U. S. A. is thus part of a world-wide organization which gives it guidance and enhances its fighting power. Under the leadership of the Communist Party the workers of the U. S. A. will proceed from struggle to struggle, from victory to victory, until, rising in a revolution, they will crush the capitalist State, establish a Soviet State, abolish the cruel and bloody system of capitalism and proceed to the upbuilding of Socialism.

"This is why every worker must join the Communist Party."

[Endorsed]: U. S. Ex. No. 18-A. Filed Dec. 7, 1939.

(Testimony of William Schneiderman.)

Mr. Hennessy: Q. I will show you a book designated, "New Frontiers For the Pioneers of 1937"; and ask you if you are familiar with this particular issue? A. No.

Mr. Hennessy: I would ask that this be marked for identification.

The Court: It may be marked.

(Document marked "Government's Exhibit 19 For Identification.")

The Court: We will take a recess for a few minutes.

(After Recess)

Mr. Hennessy: Q. Mr. Schneiderman, I show you a letter purporting to be signed, "Wm. Schneiderman," dated September 10, 1925; and ask you if that is your signature. A. Yes, it is.

Mr. Hennessy: I desire to offer this in evidence. The contents of the letter are of no particular moment. I just want to establish that, on the 10th of September, 1925, Mr. Schneiderman was city central secretary of the Workers Party of America.

Q. That is a fact, is it not?

A. Yes. [82]

Mr. Hennessy: I ask that it be marked Government's Exhibit No. 20.

(Letter marked "Government's Exhibit No. 20.")

Mr. Hennessy: Q. I show you another letter, dated June 13, 1928; and ask you if that is your signature.

(Testimony of William Schneiderman.)

A. No; this is written by, I believe, the stenographer; I believe the signature was written in by my stenographer, because her initials are underneath.

Q. Was it authorized by you.

A. It probably was.

Q. Were you, at that time, on the 13th of June, 1928, the district organizer of the Young Workers Communist League of America?

A. Yes, sir.

Mr. Hennessy: I offer it in evidence for the purpose of showing the fact that, on the 13th of June, 1928, Mr. Schneiderman was the district organizer of the Young Workers Communist League of America.

The Court: It may be admitted and marked.

(Letter marked "Government's Exhibit No. 21.")

Mr. Hennessy: Q. I show you a letter dated December 18, 1929, Mr. Schneiderman, which purports——

Mr. Andersen: I will stipulate, without using the document, that on that date he did have that position.

Mr. Hennessy: I would like to offer it in evidence just to have the documentary evidence.

Mr. Andersen: I thought we might save a lot of time and not clutter up the record.

Mr. Hennessy: Q. Is that your signature?

A. That is a facsimile of my signature; that is a rubber stamp.

(Testimony of William Schneiderman.)

Q. Was that authorized by you,—that letter?

A. I presume so. There is no indication of who put on the rubber stamp.

Q. So, on the 18th of December, 1929, you were district organizer for District 13 of the Communist Party of the United States of [83] America?

A. Yes.

Q. You had your office——

Mr. Andersen: I assume it may be stipulated that you are introducing these letters in evidence for that limited purpose, and that the contents may not be deemed in evidence?

Mr. Hennessy: That is the purpose; but the whole letter is in evidence; there is no question about that.

The Witness: I want to correct the previous statement. This is not "district organizer." This is "district organization department."

Mr. Hennessy: Q. What is the meaning of the "district organization department"?

A. I was the organization secretary that handled the records; and the department under me took care of the membership records.

Q. For District 13? A. Yes.

Mr. Hennessy: I offer this in evidence.

The Court: It may be admitted and marked.

(Letter was marked "Government's Exhibit No. 22.")

(Testimony of William Schneiderman.)

Mr. Hennessy: Q. I show you a letter dated January 30, 1930, purporting to be signed, "W. Schneiderman, Dist. Org. Secy, Dist. #13"; and ask you if that is your signature. A. Yes.

Q. What is the meaning of that, "Dist. Org. Secy, Dist. #13," underneath?

A. "District Organizational Secretary."

Q. You were, on the 30th of January, district organizer secretary of District 13 of the Communist Party of the United States of America?

A. Yes.

Q. You had your office at 145 Turk Street?

A. Yes.

Mr. Hennessy: Your Honor, I ask that this be received in evidence.

The Court: It may be marked.

(Letter marked "U. S. Exhibit No. 23.")

Mr. Andersen: With respect to those last exhibits, may it [84] please the Court, may a motion to suppress those exhibits be avilable to the defendant at a later stage of this proceeding, as I am informed that those letters were stolen in a raid on the headquarters of the Communist Party in Los Angeles and an actual burglary was committed——

Mr. Hennessy: By whom?

Mr. Andersen: The man has been caught now, I believe.

Mr. Hennessy: Not by any Federal agent?

(Testimony of William Schneiderman.)

Mr. Andersen: That is really a question, also. I believe that an examination might possibly bring it out; and I believe the man is in court who actually burglarized the headquarters of the Communist Party in Los Angeles and stole a great deal of documents; so, with the privilege of the Court, we would like to reserve a motion to suppress the evidence, on that ground.

Mr. Hennessy: Of course, we resist it at this time. There is nothing before the Court.

The Court: Proceed.

Mr. Hennessy: Q. Mr. Schneiderman, I show you a letter dated January 30, 1930, purporting to be signed by Wm. Schneiderman; and ask you if that is your signature. A. Yes, it is.

Q. And at that time, namely, January 30, 1930, you were district organizer secretary of District #13 of the Communist Party of the United States of America? A. Yes.

Q. And you had your office at 145 Turk Street, San Francisco? A. Yes, sir.

Mr. Hennessy: I will offer it in evidence.

The Court: It may be admitted and marked.

Mr. Andersen: To which I object, on the ground that this evidence has been illegally procured. Might I ask this witness, on voir dire, to establish the point?

The Court: You will have an opportunity to cross-examine him when the time comes. [85]

Mr. Andersen: May a motion to strike be reserved?

(Testimony of William Schneiderman.)

The Court: It may go in, subject to your motion to strike.

(Letter was marked "Government's Exhibit No. 24.")

Mr. Hennessy: Q. Mr. Schneiderman, I show you a letter dated January 30, 1930, purporting to be signed "W. Schneiderman"; and ask you if that is your signature. A. Yes, it is.

Q. Were you, at that time, organizer secretary of District #13 of the Communist Party of the United States of America? A. Yes.

Q. You had your office at 145 Turk Street, San Francisco? A. Yes.

Mr. Hennessy: We offer that in evidence.

Mr. Andersen: We object to that going in evidence, on the same grounds as heretofore; and the same reservation.

The Court: The same ruling. It may be admitted.

(Letter marked "Government's Exhibit No. 25.")

Mr. Hennessy: Q. Mr. Schneiderman, you were a candidate, in the 1936 election, for presidential delegate, in California, for the Communist party of the United States of America?

A. I believe I was.

Q. And previously, had you been a candidate for any public office of the Communist Party of the United States of America?

A. Yes; I was candidate for Governor in the State of Minnesota in 1930.

(Testimony of William Schneiderman.)

Q. Were you a candidate any other place for office in the Communist Party of the United States of America?

A. No. I possibly might have been a presidential elector at some of the presidential elections; but that was more or less a routine matter, and I do not recall.

Mr. Hennessy: Take the witness.

Mr. Andersen: No questions at this time. [86]

MILES G. HUMPHREYS,

called by the United States; sworn.

Direct Examination

Mr. Hennessy: Q. Where do you live, Mr. Humphreys? A. 804-21st Street, Oakland.

Q. What is your business or occupation?

A. Unemployed.

Q. What was your last employment?

A. Business representative of the union.

Q. What union was it?

A. Local 96; Oakland Industrial Union No. 96.

Q. Were you a member of the Communist Party of the United States of America?

A. Yes, I was.

Q. When did you first join the Communist Party of the United States of America? A. In 1924.

Q. Where did you join?

A. Oakland, California.

(Testimony of Miles G. Humphreys.)

Q. How long did you continue to be a member of that party after you first joined it?

A. About three years, at that time.

Q. That is, until about 1927? A. Yes, sir.

Q. Then did you leave Oakland?

A. I left Oakland and went to Russia in 1926.

Q. Did you go on a transfer from the Communist Party of America at Oakland? A. Yes, sir.

Q. You still continued to be a member of the Party, but you simply took a transfer? A. Yes.

Mr. Andersen: To which I will object as the conclusion and opinion of the witness; if there was such a transfer, in writing, the statement of the witness is not the best evidence.

Mr. Hennessy: He is a member of the Party; and he took a transfer, and I think he can testify to the fact.

Mr. Andersen: There is nothing before the Court in the first place that it is possible to do such a thing as transfer.

Mr. Hennessy: I will ask the witness: [87]

Q. Did you transfer?

A. I received a transfer from the secretary of the Workers Communist Party of the United States to the Russian Communist Party.

Mr. Andersen: I will move that the answer be stricken out on the ground that it is not the best evidence. Obviously, if it is in writing, that is not the best evidence.

Mr. Hennessy: I submit he stated he received a transfer.

(Testimony of Miles G. Humphreys.)

Mr. Andersen: That would be his conclusion as to the contents of the writing.

The Court: I do not know whether it was a writing or not. You may develop that.

Mr. Hennessy: I will ask him the question:

Q. When you left Oakland and went to Russia, what did you do in regard to having a transfer of your connection with the Communist Party of the United States of America?

Mr. Andersen: I will object to that question as complex and leading and suggestive.

Mr. Hennessy: I am asking what he did.

The Witness: A. I applied to the district office of the Communist Party here in San Francisco, and they referred my application to the national office at Chicago; and I received a silk certificate of transfer to the Russian Communist Party at New York City the day before I went.

Mr. Andersen: The witness's testimony shows that, whatever it was, it was in writing.

Mr. Hennessy: Q. Have you got the writing?

A. I took the silk certificate to Russia, and turned it in to the Russian Communist Party in Russia.

Q. You have not got the silk certificate?

A. No.

The Court: Is that a complete answer as to the writing?

Mr. Andersen: To the writing, yes.

(Testimony of Miles G. Humphreys.)

Mr. Hennessy: Q. How long did you remain in Russia? A. Eight [88] months.

Q. Then what did you do?

A. I returned to the United States.

Q. To what place in the United States?

A. New York City.

The Court: Q. How long did you say you stayed in Russia? A. Eight months.

Q. When you returned to the United States, at New York City, did you continue your affiliation with the Communist Party of the United States of America?

A. I was dropped for nonpayment of dues.

Q. Did you subsequently apply for reinstatement to the Communist Party of the United States of America? A. I did. I believe it was in 1931.

Q. Where. A. New York City.

Q. Were you reinstated in the Party?

A. I was.

Q. How long did you continue a member of the Communist Party after reinstatement in 1931?

A. I quit paying dues in December; I paid dues for December, 1936, and I paid no dues since then. In April or May, I turned my book in to the Communist Party—1937.

Q. April or May of 1937? A. Yes, sir.

Q. As I understand, then, you joined the Communist Party of the United States of America, in Oakland, in 1924, was it?

A. It was then Workers Communist Party.

(Testimony of Miles G. Humphreys.)

Q. It was then known as Workers Communist Party? A. Yes, sir.

Q. But the organization is identical with the Communist Party of the United States of America?

A. The same organization.

Q. Except the name had been changed?

A. Yes.

Q. When you first joined the Workers Communist Party in Oakland, did you make any study of the principles of the Workers Communist Party, at that time in 1924? A. I did.

Q. Of what did your study consist?

A. It consisted of classes and the study of A. B. C. of Communism, the structure of the Communist Party—that is, the workings of the Communist Party; tactics and strategy. [89]

Q. You say you studied the book known as "A B C of Communism"? A. Yes, sir.

Q. I show you this book here, being Government's Exhibit 16 for Identification, and ask you if this is the book, "A B C of Communism," by N. Bucharin and E. Preobraschensky, that you studied when you were studying Communism.

A. This book was used as a textbook, in teaching classes.

Q. By the Workers Communist Party?

A. By the Workers Communist Party.

Q. What year was that?

A. 1924 and 1925.

Mr. Hennessy: I desire to offer this book in evidence.

(Testimony of Miles G. Humphreys.)

Mr. Andersen: The same objection heretofore made: insufficient foundation.

The Court: In what respect is the foundation laid for identifying it?

Mr. Hennessy: He said it was used in classes by the Workers Communist Party when he was a student and became a member of the Communist Party; it is part of their curriculum, in their schools.

Mr. Andersen: There is no testimony before the Court at this time that any of these classes of the defendant, in the first place, were under their auspices.

Mr. Hennessy: He has testified they were.

The Court: Q. Whose classes were these; who conducted these classes?

A. The classes were conducted by the Workers Communist Party, under James Dolson.

Mr. Hennessy: Q. And were under the auspices of the Workers Communist Party at that time?

A. Yes.

Mr. Andersen: I move that be stricken as the conclusion and opinion of the witness.

The Court: He is stating what the fact is.

Mr. Andersen: He is not stating what the fact is. He is stating as to what his conclusion was, as to what organization, if [90] any, had the direct supervision of this particular school or class.

The Court: The question and answer may stand.

Mr. Hennessy: I asked that it be marked as an exhibit.

(Testimony of Miles G. Humphreys.)

The Court: It may be admitted and marked.

(Document marked "Government's Exhibit No. 16"; and the excerpt, "16A.")

U. S. EXHIBIT NO. 16-A

A B C
OF
COMMUNISM
By
N. Bucharin
E. Preobrazchensky
Translated by P. Lavin

Published by Lyceum-Literature Department
Workers Party of America
Room 405 799 Broadway, New York City.

The A B C of Communism

Page 56.

"* * * The basis of the Communist form of society is common ownership of the means of production and distribution of wealth—that is, the ownership and control by society of machinery, locomotives, steamships, factories, warehouses, granaries, mines, telegraphs and telephones, land, etc. Neither one capitalist, nor a league of capitalists, will have the right to dispose of the means of life. That right will belong to society as a whole

(Testimony of Miles G. Humphreys.)

(U. S. Exhibit No. 16-A continued.)

—that is to say, not merely to one class, but to all those who make up society. In such conditions society will be a great association of comrades and workers * * *"

The A B C of Communism

Page 59.

"Administration Under Communism.

"There will be no classes in the Communist society. Now, when there are no classes there will be no State. We said before that the State is an organ of class domination; it has always been used by one class against another. If the State is a bourgeois one, it is used against the proletariat; if it is a proletarian one, it is used against the bourgeoisie. In the Communist society, however, there will be no landowners, no capitalists, no wage-workers: there will be simply human beings, comrades * * *"

The A B C of Communism

Page 60

"It is self-evident that this will be the condition of society when the Communist order has been developed and strengthened; when the complete and final victory of the proletariat has been achieved. This condition will not prevail, however, imme-

(Testimony of Miles G. Humphreys.)

(U. S. Exhibit No. 16-A continued.)

diately after the proletarian victory. The working class will have to wage a prolonged struggle against all their enemies—above all, against the evil inheritance of the past idleness, carelessness, crime, vanity. Two or three generations will have to grow up under the new conditions before laws and punishments will cease to be, before the power of the working class State will be unnecessary, before all traces of the capitalist past will disappear. The proletarian State is necessary till, in the fully-developed Communist system there is left no trace of Capitalism. The proletarian State will disappear with the last remnants of the capitalist system. The proletariat and all other classes will be united into one because all will gradually be trained in the common work. After twenty or thirty years a new world will appear in which there will be other men and other manners."

The A B C of Communism

Pages 65-66

2. "The Dictatorship of the Proletariat".

"In order to bring into being the Communist system of society the proletariat must have all power in their hands. They cannot destroy the old order so long as they do not possess this power. In order to accomplish their task they must become the rul-

(Testimony of Miles G. Humphreys.)

(U. S. Exhibit No. 16-A continued.)

ing class in the State. It goes without saying that the bourgeoisie will not surrender their position without a fight. For them Communism means the loss of privilege and of place, the loss of "freedom" to coin money from the blood and sweat of the workers, the loss of rent, interest and profit. The Communist revolution, therefore, will meet with the fiercest opposition from the exploiters. The task of the dominant working class, therefore, consists in the merciless suppression of this opposition. As the resistance of the exploiters will inevitably be strong, therefore the rule of the proletariat will have to be a dictatorship. In a "dictatorship" there is a strong form of government, and men must agree to a high degree of resoluteness in the work of suppressing an enemy. It is evident that in such a situation there can be no talk of "freedom" for everybody. The dictatorship of the proletariat is incompatible with the freedom of the bourgeoisie. The dictatorship is, in fact, necessary to deprive the bougeoisie of their freedom, to chain them hand and foot in order to make it absolutely impossible for them to fight the revolutionary proletariat. The more stubborn the resistance of the bourgeoisie is, the more desperately they muster their strength, the more dangerous they become; the harsher and more bitter must be the proletarian dictatorship, which in an extreme case dare not cease till the terror is overcome. Only after the complete over-

(Testimony of Miles G. Humphreys.)

(U. S. Exhibit No. 16-A continued.)

throw of the exploiters and the crushing of their resistance; when it is no longer possible for them to injure the working class; only then will the dictatorship of the proletariat become milder. The bourgeoisie will gradually be merged in the proletariat, the workers' State will gradually die away, and society will become a Communist society in which there will be no class divisions."

The A B C of Communism

Page 69

"The revolution, therefore, destroyed the old power and created a new one. As a matter of course, the new power retained some features of the old but put them to another use. The conquest of the power of the State, therefore, is not the capture of the old organization, but the creation of a new one—the organization of that class which has conquered in the fight."

The A B C of Communism

Page 109.

"* * * Marx was a believer in civil war—that is, the armed struggle of the proletariat against the bourgeoisie."

(Testimony of Miles G. Humphreys.)

(U. S. Exhibit No. 16-A continued.)

The A B C of Communism

Page 120.

"The Communist Revolution can triumph only as a world revolution."

The A B C of Communism

Page 135.

"The Third International assumed the name of the Communist International, just as the organization at whose head was Karl Marx himself, was called the Communist League. Its every act shows that it walks in the footsteps of Marx, that is, on the revolutionary pathway that leads to the forcible overthrow of the Capitalist system of society."

[Endorsed]: U. S. Ex. No. 16-A. Filed Dec. 7, 1939.

Mr. Hennessy: Q. How long did you attend this classes, Mr. Humphreys?

A. I would say, about two months.

Q. Did you occupy any position in the Workers Communist Party?

A. Not while I was going to the school.

Q. After you finished your studies?

(Testimony of Miles G. Humphreys.)

A. I became a branch organizer and taught some classes, myself.

Q. What was the designation of the teacher: educational director? A. Yes, sir.

Q. What was your designation when you taught classes? A. I was a branch organizer.

Q. When you taught these classes, whom did you teach? A. Communist Party members.

Q. And did you receive any instructions from anybody as to what you should teach?

A. I attended the class before; and the class was for the purpose of teaching teachers. Mr. Dolson was the district organizer, and he taught myself and others to teach from this book.

Q. From what book?

A. The "A B C Of Communism."

Q. When you taught, what book did you use to teach from?

A. The "A B C Of Communism."

Q. When you went to school, were you taught by the instructor what the objectives and aims of the Workers Communist Party were at that time?

A. Naturally, he enlarged upon the subject matter contained in the book.

Mr. Andersen: I move that be stricken as mere hearsay and being the conclusion and opinion of the witness. [91]

Mr. Hennessy: It is not hearsay. I am asking what he was doing.

Mr. Andersen: Again, it is hearsay and calls for his conclusion.

(Testimony of Miles G. Humphreys.)

The Court: Q. Do you know what they were taught?

A. Yes.

Q. You may state what it was.

A. I was taught, from "A B C of Communism," the application of this pamphlet to the program and tactics of the Communist Party, and the objects of the Communist Party.

Mr. Hennessy: Q. Were you taught what the principles of the Workers Communist Party were at that time? A. Yes.

Q. What were you taught?

Mr. Andersen: I should like to have the foundation laid as to time and place and by whom.

Mr. Hennessy: Q. When were you a pupil over there? A. What is that?

Q. When was that that you were a pupil?

A. In 1924.

Q. Do you remember the month?

A. I joined the Communist Party—I believe it was in March or April; and it was probably June or July.

Q. Who was your instructor?

A. James Dolson.

Q. Whereabouts were these classes held?

A. Held in a little restaurant on Seventh Street in Oakland; Seventh and Washington, I believe.

Q. Now, at that time, you were taught by this instructor the principles of the Workers Communist Party, were you? A. Yes, sir.

(Testimony of Miles G. Humphreys.)

Q. What were you taught, again?

Mr. Andersen: I desire to make the further objection there is no foundation laid to show that Mr. Dolson was a person competent or authorized to teach by the organization.

Mr. Hennessy: He has testified he was.

Mr. Andersen: Again, it is only his conclusion.

[92]

The Court: He may answer.

The Witness: A. The classes in instruction taught that the Workers of the Communist Party of America, who are a section of the Communist International——

Mr. Hennessy: Q. (Interrupting) Was the Communist International the worldwide party, having headquarters at Moscow? A. Yes, sir.

Mr. Andersen: I move that be stricken.

The Court: He may state what it is.

The Witness: A. It is affiliated with the Communist International—and that the program was to organize the workers and educate the workers in the United States; and that this organization would lead to the overthrow of the existing system of society and establishment of a socialistic system of society,—otherwise, a Soviet system of government under the dictatorship of the proletariat.

Mr. Hennessy: Q. You said it would result in the establishment of the Soviet system of government. Were you told, at that time, what the Soviet

(Testimony of Miles G. Humphreys.)

system of government would consist of, what would be the nature of the government? A. Yes.

Q. What were you told?

A. That the nature of this government would be: the workers would be formed into committees, the same as they were in Russia; and that these committees would be—the government representatives from this committee would form the higher Soviet committees; and it would be a committee of the Soviet form of government.

Q. You stated that this program would result in a dictatorship of the proletariat? A. Yes.

Q. What did they tell you was meant by the "dictatorship of the proletariat"?

Mr. Andersen: We object—— [93]

Mr. Hennessy: Q. What did this school of Communism teach, with regard to the meaning of the term "dictatorship of the proletariat"?

Mr. Andersen: Again, I wish to make the further objection that this, again, is merely a conclusion of the witness as to what they might have taught, at that time. Again, I want to direct to the Court's attention that that is 15 years ago.

Mr. Hennessy: It is not very long before Mr. Schneiderman applied for his citizenship; about three years.

The Court: I will allow it.

The Witness: A. The "dictatorship of the proletariat," was the dictatorship of the working class over all other classes, led by the Communist Party.

(Testimony of Miles G. Humphreys.)

Mr. Hennessy: Q. Were you taught, at that time, anything in regard to the abolition of private property?

Mr. Andersen: To which I will object as immaterial, irrelevant and incompetent; whether private property is abolished or not is immaterial, so far as this proceeding is concerned; there is nothing in the law or Constitution of the United States and there is nothing charged in the complaint on file regarding the so-called abolition of private property.

Mr. Hennessy: I disagree with you on that. One of the primary purposes of the Constitution was to protect not only life and liberty but also property. The fifth amendment to the Constitution prohibits private property being taken without due process of law and without just compensation. I propose to show that the program of the Communist Party contemplates the expropriation of private property without any compensation and the establishment of a class government, as opposed to the representative government under which we live; and I think the question is very pertinent.

The Court: The witness may answer. [94]

The Witness: A. The program of the Communist Party, from its very inception, was for the abolition of private property and socializing of all property; and that was taught in the classes and in the literature.

Mr. Hennessy: Q. Did they teach you how that

(Testimony of Miles G. Humphreys.)

private property would be expropriated by the workers' government without compensation?

A. Yes.

Mr. Andersen: May it please the Court, we object to counsel asking leading questions. In every question he has asked: "did they teach this or didn't they teach that?"

Mr. Hennessy: No; I did not. I said: "Did they teach?" He can state "Yes" or "No."

Mr. Andersen: That is suggesting an answer.

Mr. Hennessy: The question was not suggestive. I asked the question; and he could have said, "No," if they did not teach him; and he could have said, "Yes," if they did teach him.

The Court: Proceed.

Mr. Hennessy: Q. Did they teach you that the capitalistic government would be abolished?

Mr. Andersen: Same objection: immaterial, irrelevant and incompetent.

The Court: He may state whether they did or did not.

The Witness: A. They did, yes.

Mr. Hennessy: Q. They did what?

A. They taught that the capitalistic system of society must be overthrown.

Mr. Andersen: On that point, again, the complaint here charges the defendant with, at that time and apparently at the present time, wanting to overthrow the capitalistic government. In the history of politics and economics, I know of no such

(Testimony of Miles G. Humphreys.)

thing as a capitalistic government. If we could first have described in the record what a capitalistic government is, as a guarantee of [95] something or other, under the Constitutional rights of this country, then I believe we might have something to base this evidence on; but there is nothing before this Court regarding any capitalistic government. My client is not accused of trying to overthrow any capitalistic government.

Mr. Hennessy: I will show, before I get through, that the Communist Party believes every government save and except the Soviet government is a capitalistic government, and should be overthrown.

The Court: I will allow you to get a record on it. I might say, I will allow you wide latitude, also.

Mr. Hennessy: Q. Did they teach by what means the capitalistic society must be overthrown?

A. Through revolutionary means.

Q. Did they state whether or not force and violence should be used?

Mr. Andersen: Might I, again, object to the leading form of the questions and the way this witness is simply being brought along inch by inch, under a preconceived idea? The question that should have been asked this witness some time ago is: what did they teach him; and let him state the story without Mr. Hennessy bringing him along inch by inch.

The Court: Q. What did they teach you? Proceed, and tell us.

(Testimony of Miles G. Humphreys.)

A. They taught that the present forms of government except the Soviet government and all existing systems of society would have to be abolished through the dictatorship of the proletariat; and to establish the dictatorship of the proletariat would require a revolutionary process, the overthrow of the existing governments except the Soviet government; and that the working class, as a dictator, of the proletariat, would rule, through the Soviet system of society. As far as the application of force and violence was concerned, the Communist Party took the defensive, and put the first users of force upon the capitalistic government; they claimed that [96] the capitalistic government would resist the establishment of the Soviet system, through force and violence, and that the working class would be justified in using force and violence to establish the Soviet system of society.

Mr. Hennessy: Q. Was the establishment of the dictatorship of the proletariat to be the ultimate objective or program of the Communist Party?

A. No.

Q. What did they teach was the ultimate objective of the Communist Party program?

A. The ultimate objective would be the establishment of Socialism; and, through the establishment of Socialism, Communism would ultimately result.

Q. And, by "Communism," you mean a communistic form of society?

(Testimony of Miles G. Humphreys.)

A. A communistic form of society.

Q. And in the communistic form of society, would there be any such thing as private property?

A. No such thing as private property or no such thing as any form of government.

Q. Would there be any classes?

A. There would be no classes.

Q. How long did you continue to be a teacher in the Communist school?

A. I taught classes until April, 1926.

The Court: It is time to adjourn now.

(Thereupon, an adjournment was taken until tomorrow, Friday, December 8, 1939, at 10 o'clock a. m.) [97]

Thursday, December 7, 1939

MILES G. HUMPHREYS,

recalled by the United States.

Direct Examination

(continued)

Mr. Hennessy: Q. Mr. Humphreys, as I understand, you testified yesterday that, in the classes of instruction of the Workers Communist Party of America, they were taught that the Workers Communist Party of America was a section of the Third Communist International?

A. Yes, sir.

Q. What were you taught on that subject?

(Testimony of Miles G. Humphreys.)

A. That the Workers Communist Party of America was a section of the world Communist movement and affiliated to the Communist International in Moscow, the same as other Communist bodies, including the Russian Communist parties.

Q. What were you taught as to what the Third Communist International was?

A. The Communist International Congress of Communist Party delegates from the various Communist parties of the world.

Q. What were you taught in regard to the affiliation of the Workers Communist Party of America with the Third Communist International?

A. That the Communist International——

Mr. Andersen: Could I interpose an objection at this point, particularly with respect to the source of the information of the witness? Apparently, the witness was taught from various textbooks; and, if the teachings were from the textbooks, the writings themselves would be the best evidence and should be construed by the Court rather than the witness testifying as to what he was taught from.

The Court: Q. Were you taught from certain books?

A. The "A B C Of Communism" was used; and then the instructor would enlarge upon those instructions from the "A B C of Communism," from his own knowledge.

Mr. Hennessy: The best evidence will have no application here. We are asking as to what certain

(Testimony of Miles G. Humphreys.)

teachings were; not as to the contents of the writings. [99]

The Court: He may answer.

The Witness: A. That it was a part of the Communist International; that is, every member of the Communist Party of America were also members of the Communist International,—the World Communist Party; that they belonged to the American section, which was the Workers Communist Party; that they paid dues, and part of those dues went to support the International organization; and that the Workers Communist Party of America had duly accredited and recognized delegates to the Communist International.

Mr. Hennessy: Q. Did you attend any of the conventions of the Workers Communist Party during the period that you were a member of it?

A. State conventions.

Q. Did you attend any national conventions?

A. No.

Q. Were you taught whether or not the Third Communist International had a representative at the conventions of the Workers Communist Party in America? A. Yes.

Mr. Andersen: May I have the question read?

(Question read by the reporter)

Mr. Andersen: I will object to the form of the question as leading and suggestive.

The Court: He may answer.

The Witness: A. I was taught, and have been

(Testimony of Miles G. Humphreys.)

taught since then, and continually, that the Communist International has representatives in all major countries; and that the Communist International representatives come from other countries than from the country which is holding the convention; otherwise, no American citizen could be a Communist International representative in the Communist conventions in the United States; and that those representatives have full authority and the power of the Communist International in supervising and making recommendations and even suspending conventions of the Communist Party.

Mr. Hennessy: Q. Did the Third Communist International [100] exercise, to your knowledge, any supervision over the activities of the Workers Communist Party of America?

A. Yes. According to material I have read and according to reports made from national conventions by Communist delegates to national conventions, and according to the teachings of the Communist instructors, that those representatives have made recommendations for suspending conventions of the Communist Party.

Q. What do you mean by "suspending conventions of the Communist Party"?

A. In 1929, I believe, the national convention of the Communist Party elected a central committee; and the central committee was immediately ordered to Moscow, and some of them were expelled.

(Testimony of Miles G. Humphreys.)

Q. During the period that you were a member of the Workers Communist Party of America, the Communist Party of the United States of America, did you pay dues to the Third Communist International?

A. I paid the dues to the Workers Communist Party; and it was my understanding and the instructions of the Communist Party, according to their literature, that a part of those dues went to support the Communist International.

Q. When you became a teacher in the classes of the Workers Communist Party of America, did you teach the same doctrines that you had been taught when you were a student in that school?

A. I did.

Q. When you returned from New York and became a member again of the Communist Party of the United States of America, did you participate in the educational program? A. I did.

Q. In what respect?

A. I taught classes in Alameda County, in fundamentals of Communism, principles of Communism, taught classes from an outline supplied by the District of the Communist Party.

Q. What did those outlines consist of?

A. The outline consisted of sketches of material contained in Communist publications, and a general outline of this material in those publications, and recommending publications to be used as textbooks. [101]

(Testimony of Miles G. Humphreys.)

Q. Do you remember the names of any of the Communist publications that were contained in these outlines given you?

A. The program of the Communist International.

Q. When you refer to the program of the Communist International, I will hand you this book marked Government's Exhibit No. 6 in evidence; and ask you to examine and state whether that is the book you referred to when you referred to the program of the Communist International.

A. Yes; this and another pamphlet have identically the same material.

Q. What was the name of the other pamphlet?

A. "Programme of the Communist International."

Q. I show you a book designated, "Manifesto of the Communist Party," by Karl Marx and Friedrich Engels, U. S. Exhibit 7 in evidence; and ask you if this book was used by you in the educational program of the Communist Party of the United States when you were affiliated with them.

A. The contents of the book were evidently the same, although the front cover is different.

Q. You used it: the "Manifesto of the Communist Party," by Karl Marx and Friedrich Engels?

A. Yes; that is a reprint of the same pamphlet.

Q. I show you a book entitled, "The State and Revolution," by Nicolai Lenin, being Government's

(Testimony of Miles G. Humphreys.)

Exhibit No. 8 in evidence; and ask you if this book was used by you and by the Communist Party of the United States of America, in their educational program, during the period you were a member of that party.

A. This was used, I believe, during 1924 and 1925; and there is another pamphlet that had been published with the same material but with a different cover,—"The State and Revolution."

Q. I show you a book entitled, "'Left-Wing' Communism: An infantile Disorder," by V. I. Lenin, United States Exhibit No. 9 in evidence; and ask you if this book was used by you and by the [102] Communist Party of the United States of America in their educational program during the period that you were a member of that party.

A. The pamphlet that I used was "'Left-Wing' Communism: An Infantile Disorder." This was the later publication, and evidently the contents of the other pamphlet were expurged, by Stalin, so they changed the interpretation.

Mr. Andersen: I ask that that last part be stricken.

The Court: Q. You say they changed the interpretation. What do you base that on?

A. There have been several pamphlets destroyed of the literature in Russia by Stalin of the original Bolshevik, of this material. Some of those pamphlets are in this evidence.

Mr. Hennessy: Q. I show you a book desig-

(Testimony of Miles G. Humphreys.)

nated, "Programme of the Young Communist International," being Government's Exhibit No. 10 in evidence; and ask you if this book was used by you and the Communist Party of the United States in your educational program during the time that you were a member of the party.

Mr. Andersen: Did your Honor rule on the last objection?

The Court: The objection will be overruled.

The Witness: A. This pamphlet was used by myself and others in teaching classes as Young Workers. This was an official Communist publication used throughout the Communist Party.

Mr. Hennessy: Q. You say "Young Workers." By that, you mean the Young Workers League?

A. Young Communist League and Young Workers League.

Q. What was the relation, at that time, between the Young Workers League and the Communist Workers Party of America?

A. The Young Workers League was affiliated with the Young Communist International; the Young Communist International League was affiliated with the Communist International; and the Communist Party of the United States of America is affiliated with the Communist International.

[103]

Q. Was there any affiliation between the Young Workers League and the Workers Communist Party of America? A. No.

(Testimony of Miles G. Humphreys.)

Q. Was the membership of the Young Workers League confined to persons of a certain age?

A. The younger members of the Communist Party, although some of those members might be as old as 30 years of age.

Q. Were the objects and the aims of the Young Workers League identical with those of the Workers Communist Party of America? A. Yes.

Q. I show you a book marked, "The Theory and Practice of Leninism," by I. Stalin, published by the Workers Publishing Company, Chicago, Illinois, marked United States Exhibit 11 for Identification; and ask you if that book, embracing the theory and practice of Leninism, by Stalin, was used in your educational program of the Communist Party of the United States of America during the period that you were affiliated with it.

A. I have seen this pamphlet in the Communist Party bookstores, and distributed among the Communist Party.

Mr. Andersen: I am going to move that that be stricken as not responsive.

Mr. Hennessy: I think it is responsive. He has not finished his answer.

The Court: Read the answer. (Record read by the reporter.) Let him complete his answer.

The Witness: A. But I have not used this pamphlet myself, with this identical cover, although I have used the same material out of another pamphlet, with a different cover.

(Testimony of Miles G. Humphreys.)

Mr. Hennessy: Q. Have you a copy of the pamphlet that you used in your teachings?

A. No; I have not.

Q. You say you saw that in Communist Party bookstores?

Mr. Andersen: Your Honor, may I renew my motion as to the striking of the previous answer? The question was: whether he ever used [104] it.

The Court: The question was whether or not he ever used this book; and the answer, in substance, was that he saw it in the bookstores.

Q. Is that right?

A. Yes, I have seen it circulated among the Communist Party.

The Court: The objection is sustained.

Mr. Hennessy: Q. You have taught the theory and practice of Leninism by Stalin from other books? A. Yes, sir.

Q. This particular book, designated United States Exhibit 11 for Identification, was not the edition that you used in your teaching?

A. No.

Q. Now, did you see this book in Communist bookstores? A. Yes.

Mr. Andersen: I will object to that.

Mr. Hennessy: I will withdraw the question.

Q. Did the Communist Party conduct bookstores? A. Yes.

Mr. Andersen: I move that that answer be stricken unless I be permitted to take the witness

(Testimony of Miles G. Humphreys.)

on voir dire.

The Court: The objection will be overruled. Let us proceed.

The Witness: Yes, the Communist Party conducts bookstores.

Mr. Hennessy: Q. You say they conduct bookstores. What do you mean by that?

A. I mean that the Communist Party establish bookstores and operate bookstores distributing and selling Communist Party publications.

Q. Referring to this United States Exhibit No. 11 for Identification, did you ever see this particular publication in any bookstore operated by the Communist Party of the United States of America?

A. Yes, sir.

Q. Being sold to the public? A. Yes, sir.

Q. Did you ever hear of a company known as the Daily Worker Publishing Company?

A. Yes.

Q. Is that company in any way connected with the Workers Party, [105] the Workers Communist Party, or the Workers Communist Party of America?

Mr. Andersen: I object to that as calling for his conclusion.

Mr. Hennessy: I am asking for a fact.

The Court: He may answer, if he knows.

The Witness: A. My [illegible] the Communist Party and from the Communist Party is that all literature put out by the Communist Party,

(Testimony of Miles G. Humphreys.)

—newspapers, pamphlets, etc.,—were controlled, owned and operated by the Communist Party.

Q. Were you taught that the Daily Worker Publishing Company was an official publishing agency of the Communist Party of the United States of America?

A. It was an official publishing agency of the Workers Communist Party.

Mr. Hennessy: I offer this in evidence.

The Court: It may be admitted and marked.

Mr. Andersen: Same objection, if your Honor please.

(The document was marked "Government's Exhibit No. 11"; and the excerpts therefrom, "11A.")

U. S. EXHIBIT NO. 11-A

THE THEORY AND PRACTICE OF LENINISM

By I. Stalin

Published for The Workers Party of America, by The Daily Worker Publishing Co., Chicago, Ill.

The Theory and Practice of Leninism.

"Chapter V.

The Dictatorship of the Proletariat.

Pages 27-28.

The Dictatorship of the Proletariat as the Instrument of the Proletarian Revolution.

"The question of the dictatorship of the proletariat is above all the question of the fundamental

(Testimony of Miles G. Humphreys.)
(U. S. Exhibit No. 11-A—continued.)

meaning of the proletarian revolution. The proletarian revolution, its movement, unfolding, and conquests, become realities only through the dictatorship of the proletariat. This dictatorship is the chief fulcrum of the proletarian revolution, its organ and instrument, destined first of all to wipe out the resistance of the routed exploiters, to consolidate the conquests of the revolution, and then to lead this revolution to completion, to the complete victory of Socialism. The revolution can overturn the power of the bourgeoisie without the dictatorship of the proletariat. But it cannot crush the resistance of the bourgeoisie, maintain its conquests and advance towards Socialism if it does not, at a certain stage of its development create a special organ, the dictatorship of the proletariat, to be its fundamental fulcrum.

"'The essential question of the revolution is the question of power' (Lenin). Does that mean that the revolution ends with the seizure of power? No. The seizure of power is only the beginning. Overthrown in one country, the bourgeoisie still remains, for a number of reasons, stronger than the proletariat which has overthrown it. That is why it is necessary to safeguard one's power, to consolidate it and make it invincible. How can this be done? By accomplishing three main tasks which confront the dictatorship of the proletariat on the morrow of the revolution: they are:

(Testimony of Miles G. Humphreys.)
(U. S. Exhibit No. 11-A—continued.)

"(a) To break the resistance of the landed proprietors and capitalists, expropriated by the revolution, and to liquidate all their attempts to restore the power of capital;

"(b) To organize the Socialist reconstruction, by gathering all workers around the proletariat and preparing for the gradual disappearance of classes;

"(c) To arm the revolution, to organize the army of the revolution against the external enemy, Imperialism.

"The dictatorship of the proletariat is necessary for the accomplishment of these three tasks."

The Theory and Practice of Leninism.
Pages 30-31.

"* * * The dictatorship of the proletariat is not a change of ministry, but a new State, with new central and local organs, the State of the proletariat which rises on the ruins of the old State of the bourgeoisie. The dictatorship of the proletariat is born not of the bourgeois state of things, but of its destruction after the overthrow of the bourgeoisie, of the expropriation of landed proprietors and capitalists, of the socialization of the essential instruments and means of production, of the development of the proletarian revolution through violence. The dictatorship of the proletariat is the

(Testimony of Miles G. Humphreys.)
(U. S. Exhibit No. 11-A—continued.)
revolutionary power resting on violence against the bourgeoisie."

The Theory and Practice of Leninism.
Pages 32-33.

"Second Deduction. The dictatorship of the proletariat cannot be the result of the peaceful development of bourgeois society and democracy; it can be the result only of the destruction of the bourgeois army and State machine, the bourgeois administrative apparatus and the whole bourgeois political system.

" 'The working class cannot confine itself to taking possession of a ready-made governmental State machine and setting it going for its own ends.' (Marx and Engels: Preface to The Civil War in France.)

" 'The proletarian revolution has not to transmit the military and bureaucratic machine from one hand to another, as has been done up to the present, but must break it * * * This is the indispensable condition for every real people's revolution on the continent. (Marx: Letter to Kugelmann.)

"Marx's limitation with regard to the 'continent' has furnished the opportunists and menshevik- of every country with a pretext for asserting that Marx admitted the possibility of a peaceful transformation of bourgeois democracy into proletarian democracy, at least some countries (England and

(Testimony of Miles G. Humphreys.)
(U. S. Exhibit No. 11-A—continued.)

America), Marx did in fact recognize the possibility of this in the England and America of 1860, where monopolist capitalism and Imperialism did not exist and where militarism and bureaucracy were as yet little developed. But now the situation in these countries is radically different; Imperialism has reached its apogee there and there militarism and bureaucracy are sovereign. In consequence, Marx's restriction no longer applies.

"'Now, in 1917, in the epoch of the first great Imperialist war Marx's restriction falls of itself. England and America which have been till now, because of the absence of militarism and bureaucracy, the last and most important representatives of Anglo-Saxon "freedom," have now rolled in the bloody mire of militaristic and bureaucratic institutions which subject everything to themselves. Now both in England and America, the preliminary condition of every real people's revolution is the breaking and the destruction of the governmental machine'. (The State and Revolution).

"In other words, the destruction of the bourgeois governmental machine is the indispensable condition for the proletarian revolution, the inescapable law of the revolutionary movement in Imperialist countries.

"Indeed, if very much later the proletariat triumphs in the principal capitalist countries and the present capitalist encirclement gives way to the

(Testimony of Miles G. Humphreys.)
(U. S. Exhibit No. 11-A—*continued.*)

Socialist encirclement, the 'pacific' way of development is quite possible for certain countries where the capitalists, in view of the 'unfavorable' international situation, will judge it reasonable of their own accord to make serious concessions to the proletariat. But this supposition concerns only the distant problematic future. So far as the immediate future is concerned, there is no foundation for it.

" 'The proletarian revolution is impossible without the violent destruction of the bourgeois governmental machine and the putting of a new one in its place.' (The Proletarian Revolution)."

The Theory and Practice of Leninism
Page 56.

"3rd Stage (Consecutive with October Revolution.)

"Aim—to consolidate the dictatorship of the proletariat in one country, and to use it as a fulcrum for the overthrowing of Imperialism in all countries. The revolution is not to be limited to one sole country—but has entered its world-wide stage.

"Essential force—the dictatorship of the proletariat in one country and the revolutionary movements of the proletariat of other countries.

(Testimony of Miles G. Humphreys.)
(U. S. Exhibit No. 11-A—continued.)

"Principal reserves — the semi-proletarian masses and the peasants of advanced lands, the nationalist movements in colonies, and dependent states.

"Immediate tasks—to isolate the democratic petty bourgeoisie (partisans of Second International, promoters of the policy of conciliation with Imperialism.)

"Disposition of forces—alliance of proletarian revolution with Nationalist movement and dependent states.

"Strategy depends on the essential and reserve forces of the revolution remaining unchanged during a given stage; it adapts itself at each development of the revolution."

[Endorsed]: U. S. Ex. No. 11-A. Filed Dec. 8, 1939.

Mr. Hennessy: Q. I show you a book designated, "The 4th National Convention, Held in Chicago, Illinois, August 28-30, 1925, Workers (Communist) Party of America," being United States Exhibit 12 for Identification; and ask you if this book was used by the Workers Communist Party of America, during the period that you were a member of it, in their educational program.

A. I have seen this publication; I cannot say definitely I have used it in classes of the Workers

(Testimony of Miles G. Humphreys.)

Communist Party.

Q. Where did you see that publication?

A. I am not sure whether I saw it in San Francisco or whether it was sent to the unit, or the branch, in San Jose when I was organizer; but I have seen the pamphlet. I believe it was distributed through the Communist Party branch in San Jose. [106]

Q. Do you know whether it was or was not?

A. I could not swear to it. I believe it was.

Q. I show you book designated, "The Second Year of the Workers Party of America," published by the literature department, Workers Party of America, Chicago, Illinois, being Government's Exhibit No. 13 For Identification; and ask you if this publication was used by the Workers Party of America and by you during this period that you were a member of that party, in their educational program.

A. I do not seem to be familiar with this pamphlet.

Q. I show you a pamphlet or book designated, "Acceptance Speeches by William Z. Foster for President and Benjamin Gitlow for Vice-President of the Workers Communist Party, National Election Campaign of the Workers Communist Party, 1928," being marked Government's Exhibit No. 14 For Identification; and ask you if this book was used by you or by the Workers Communist Party,

(Testimony of Miles G. Humphreys.)

during the time that you were a member of it, in their educational program.

A. No; I was not a member of the Communist Party when this was put out. Benjamin Gitlow was expelled from the Party in 1929; and I was not a member during that time; and I have never seen that pamphlet before.

Q. I show you a book designated, "The Platform of the Class Struggle, National Platform of the Workers Communist Party," being Government's Exhibit No. 15 For Identification; and ask you if this book was used by the Workers Communist Party and by yourself, during the period that you were a member of that Party, in the educational program of the Workers Communist Party.

A. No; I never used that pamphlet. I do not believe I have ever seen it before.

Q. I show you a book entitled, "The International of Youth, Organ of the Executive Committee of the Young Communist International," being United States Exhibit No. 17 For Identification; and ask you if this particular book was used by you or by the Workers Communist [107] Party, during the period that you were a member of it, in its educational program.

A. I do not believe that I used this pamphlet.

Q. I show you a book designated, "Why Communism? Plain Talks on Vital Problems," by M. J. Olgin, being Government's Exhibit No. 18 in evidence; and ask you if this book was used by you

(Testimony of Miles G. Humphreys.)

and by the Communist Party of the United States of America, or the Workers Communist Party of America, in their educational program.

A. Yes; this book was used, to a great extent; many thousands of them were distributed through the Communist bookstores; also, it was used as a textbook.

Q. In the classes? A. In classes, yes.

Mr. Hennessy: Take the witness.

Cross Examination

Mr. Andersen: Q. How old are you, Mr. Humphreys?

A. Forty-nine—Forty-eight; I will be forty-nine next month.

Q. You are a native of California, aren't you?

A. Yes.

Q. Would you tell me how much academic schooling you had? A. Two years' college.

Q. Where was that?

A. Several correspondence courses.

Q. I mean: Did you actually attend any college?

A. Yes.

Q. Which college?

A. San Jose State College.

Q. How long did you attend there?

A. A year and a half.

Q. What were your studies there?

A. Educational.

Q. What branch or what studies did you study?

A. Education.

(Testimony of Miles G. Humphreys.)

Q. That was the subject? A. Yes.

Q. I assume that you went through high school?

A. No; I did not.

Q. Were you enrolled as a special student at San Jose? A. I was.

Q. I assume that you went through the grammar school? A. I did.

Q. And your correspondence courses: what were they? A. Locomotive engineering, law, radio.

Q. That is the substance of your academic education? A. That is [108] part of it.

Q. With the exception of such education as you acquired as a member of the Communist Party, that is the substance of your education,—your academic education? A. Yes.

Q. How long did you teach classes in Communism?

A. Well, I taught classes for over a year, when I was a member of the Workers Communist Party, and taught classes in the Communist Party units and in international labor and in the Communist Party section, over a period of about four years.

Q. About four years? A. Yes.

Q. By the way, do you profess to be an expert on the philosophy of the doctrines of Marx and Lenin?

A. I do not profess to be an expert; I believe I understand the principles of Marxism and Leninism, and even Stalinism.

Q. Even Stalinism? A. Yes.

(Testimony of Miles G. Humphreys.)

Q. But you do not profess to be an expert on any of those subjects?

A. I am not posing as an expert.

Q. No. I just wanted to make that clear. You first joined the Communist Party in 1924?

A. Correct; Workers Communist Party.

Q. When I refer to the Communist Party, I refer to either the Workers Communist Party or the Communist Party. Off and on, you remained a member for some time until 1936 or 1937, did you not?

A. I remained a member until about 1927.

Q. I say: off and on, you remained a member, with certain lapses, until about 1937, didn't you?

A. Not off and on, because that is an ambiguous question. I remained a member until 1927; became a member again in 1931—I believe it was 1931—until 1937.

Q. And in 1937, you were expelled from the Communist Party, were you not?

A. I resigned from the Communist Party.

Q. You know, do you not, that charges were preferred against you by the Communist Party?

A. I have no knowledge of it.

Q. You have no knowledge of it at all?

A. No. [109]

Q. You have knowledge of the fact that you were expelled, haven't you?

A. No direct knowledge—indirectly.

Q. I mean: You have seen letters in which it

(Testimony of Miles G. Humphreys.)

was stated that you had been expelled from the Communist Party?

A. Yes; I have seen letters addressed to other parties; some time after, I guess a year and a half after I had quit the Communist Party, I saw those letters.

Q. Prior to that time, you had been expelled from a labor union, hadn't you? A. No.

Mr. Hennessy: I object to that as not proper cross-examination; immaterial, irrelevant and incompetent.

Mr. Andersen: It is preliminary.

The Court: His answer is "No." It may stand.

Mr. Anderson: Q. Weren't you a member of Local Union 96? A. I still am.

Q. You were fined $1,000 in that, were you not?

Mr. Hennessy: I object to that on the ground it is not proper cross-examination.

The Court: Objection sustained.

Mr. Andersen: Q. Were you expelled from the C. I. O. organization, in Oakland? A. No

Mr. Hennessy: I object to that, on the same grounds.

Mr. Andersen: Q. Were you expelled from any organization in the City of Oakland, as a result of charges having been filed against you, in which you were charged with advocating force and violence?

Mr. Hennessy: I object to that on the ground it is not proper cross-examination.

(Testimony of Miles G. Humphreys.)

The Court: Objection sustained.

Mr. Andersen: May I state the reason I desire to pursue this line of questioning? We can show, without question, that on several occasions,—three, to be exact,—this witness was charged, both in union labor organizations and in the Communist Party itself, with [110] advocacy of various types of force and violence; and that, as a result of such advocacies and teachings, this witness was first disciplined by a labor organization, of which he is presently a member, and a thousand dollar fine; that he was later expelled from a division of the C. I. O. organization, or removed from office of the C. I. O. organization, in Oakland, as a result of the same general activities and advocacies; and that, subsequent to that, he was again charged, in the Communist Party, with using force; that he advocated using force and violence in trade unions and other activities; and, as a result thereof, expelled from the Communist Party itself. And we consider that relevant to the matter at issue.

Mr. Hennessy: Q. What happened in the Communist Party may be relevant; but what happened in some trades union is not.

Mr. Andersen: The basis of the charges, in the Communist Party, were his advocacies and actions in the trades union.

The Witness: I would like to answer that question.

The Court: You may answer. We will have to

(Testimony of Miles G. Humphreys.)

continue otherwise only as far as matters of the so-called Communist Party are concerned. Keep that in mind.

Mr. Andersen: These are the charges that were filed in this organization, and actually form the basis of the charge before the Communist Party itself.

The Court: Proceed. There is nothing before the Court.

The Witness: I was not expelled from any union or council, or from the Communist Party, for any advocacy of force and violence, or any other tactics that the Communist Party might use. What the case was is: I quit the Communist Party; and the Communist Party manoeuvred for many months to oust me from the Labor Movement. Their last desperate attempt was to frame me on these charges, which originated in Mr. Schneiderman's headquarters: and I have documentary proof to that effect, witnesses who testified under oath to that [111] effect: that it was a frameup by the Communist Party, including Mr. Stalin, to oust me from the Labor Movement and discredit me with the working people; and, on this frameup, they found me guilty of these charges to a lesser extent by a jury of three Communist Party members, by instructions from the Communist Party, and by 80 per cent of the Communist Party delegates, being Communist Party members of the Council delegation. These charges were never pressed against me in the Communist Party, and I never had any trial in the

(Testimony of Miles G. Humphreys.)

Communist Party on these charges. I never had any charges like this brought against me in any labor union, compared to what Mr. Andersen might state.

Mr. Andersen: Q. Have you finished your explanation?

A. Yes. There was another frameup, that didn't go through; 80 per cent of the C. I. O. Council delegates were Communist Party members.

Q. That was in the C. I. O. Council?

A. Yes.

Q. You said that you were found guilty?

A. By a vote of 28 to 36.

Q. You said that they found you guilty of certain charges?

Mr. Hennessy: I object to this, if your Honor please, as not proper cross-examination; outside the issues of this case.

Mr. Andersen: It is merely preliminary.

Mr. Hennessy: It does not matter whether it is preliminary or not; it is outside the issues of this case and not proper cross-examination.

The Court: Sustained. You will have to limit the testimony as the Court indicated.

The Witness: I might state, your Honor——

The Court: Just a minute.

Mr. Andersen: Q. Then, as I understand, while you know you were expelled from the Communist Party, you don't know why you were expelled; is that correct?

(Testimony of Miles G. Humphreys.)

A. I understand, because I refused to take orders.

Q. Because you refused to follow the decisions of the Communist [112] Party; is that correct?

A. The decisions of Mr. Schneiderman, Mr. Hanoff and Mr. Lambert.

Q. Was that before or after you were expelled —was that before or after you say you resigned?

A. About a year and a half after.

Q. When did you say you resigned?

A. I quit paying dues in December, 1936.

Q. Then, you would say that about the middle of 1938 is when you were expelled; is that correct?

A. Oh, no.

Q. Then, when was it?

A. I resigned from the Communist Party, I believe it was in March or April; I turned my book in to the Communist Party in 1937; I think it was about a year after that, or probably over a year, before I saw any of these letters.

Q. Then, you learned some time in 1938 you had been expelled? A. Yes.

Q. You never endeavored to reenter the party, of course. A. I would not.

Q. You never tried to? A. No.

Q. Now, as a matter of fact, you sought to rejoin the Communist Party in April, 1938, didn't you?

A. No.

Q. You did not? A. No.

Q. I assume your memory is clear on that point;

(Testimony of Miles G. Humphreys.)

is that correct? A. Quite clear.

Q. Tell me: What name did you use in the Communist Party? A. Humphreys.

Q. Did you ever use the name Hunt?

A. No.

Q. Did you ever make an application to join the Communist Party under the name of Hunt?

A. No.

Q. Do you know a man named Frank Sullivan?

A. Yes.

Q. Did you have a talk with Mr. Sullivan on April 18th of 1938, to propose you as a member of the Communist Party? A. No.

Q. Did you write a letter to the Communist Party in June of 1938? [113]

A. I wrote letters during 1938 some time.

Q. Did you write a letter in 1938 seeking reinstatement in the Party?

A. I wrote a letter; I made a statement to the Communist Party.

Q. You did? A. You may read the letter.

Q. You read the Constitution of the Communist Party, didn't you?

A. They have several constitutions.

Q. I show you Government's Exhibit 5 in evidence. You have read that, haven't you, or a draft of it? A. A draft of this.

Q. You are quite familiar with it?

A. More or less familiar, yes.

Q. You have expressed yourself as being com-

(Testimony of Miles G. Humphreys.)

mitted to the statements therein contained, have you not? A. In that constitution?

Q. Yes. A. I have not.

Q. You have not. In other words, you, I assume, are contrarily-minded or not in accord with the tenets of the Communist Party as expressed in Exhibit 5? A. No; I am not.

Q. Is this the letter, dated June 11, 1938, which you wrote to the Communist Party? Is that your signature?

A. Apparently it is, although I have seen it forged several times.

Q. Is that your signature or is it not your signature? A. Just a moment until I read it.

Q. Yes; take plenty of time.

A. Yes, I wrote this letter.

Q. You wrote the letter? A. Yes.

Mr. Andersen: May I read it in evidence, if your Honor please?

Mr. Hennessy: We have no objection.

Mr. Andersen: The letter is dated June 11, 1938: "Dear Comrades:—" Might I interrupt my reading?

Q. To whom did you send this letter?

A. I believe it was given to Ed. Green.

Q. You mean you sent it through some channel, knowing that it would ultimately come to the attention of the Communist Party?

A. He was a Communist Party member, yes.

[114]

Q. You wanted it to come to the attention of the

(Testimony of Miles G. Humphreys.)

proper official committee of the Communist Party, in order that you might again become a member of that organization? A. No.

Q. Did you want it to come to the attention of the proper official committee of the Communist Party?

The Court: Q. Was it mailed?

A. No; it was given to a person, as he has stated.

The Court: I thought it was mailed. Proceed.

Mr. Andersen: Q. You wanted this letter to come to the attention of certain committees of the Communist Party, didn't you?

A. I was striving to get along with the Communist Party at the time.

Q. You wanted this letter to come to the attention of the official committee of the Communist Party, didn't you? A. Yes.

Mr. Andersen: This is a letter dated June 11, 1938; without any caption. It reads:

DEFENDANT'S EXHIBIT A

"Dear Comrades:

"Your letter of June 1 received and contents noted.

"Regarding my relations to the Party. I chose a certain course which in my point of view was necessary. If a similar situation should develop other channels might be employed. If the course I followed is considered a mistake, then I made the mistake. In the future

(Testimony of Miles G. Humphreys.)

(Defendant's Exhibit A—continued.)

I will do my upmost to prevent such situations whether it is myself or others concerned.

"The Program of the Party, the Constitution and Draft of Amended Constitution are documents all Communists must follow and apply if Socialism is to be established. I will studiously follow and apply these documents to the best of my ability. I will insist and demand that others do likewise.

"Hoping this meets with your approval, I am Comradely yours,

M. G. HUMPHREYS." [115]

I ask that this be marked.

The Court: It may be admitted and marked.

(The letter was marked "Defendant's Exhibit A.")

The Court: We will take a recess.

(After recess)

Mr. Andersen: No further questions, your Honor.

Mr. Hennessy: That is all.

WILLIAM F. HYNES,

called for the United States; sworn.

Direct Examination

Mr. Mercado: Q. What is your occupation, Mr. Hynes? A. Police officer, City of Los Angeles.

(Testimony of William F. Hynes.)

Q. How long have you been a police officer?

A. Approximately 18 years.

Q. What have been your duties in connection with your police activities?

A. At the present time, I am assigned to the homicide bureau, the detective division, and have been for the past two and a half months; prior to that time, I had been assigned for a period of ten months to the West Los Angeles detective bureau; and prior to that time for approximately 14 years I had been with the intelligence bureau of the Los Angeles police department, having to do with the investigation of different diversified activities, particularly the investigation of Communist activities, along with possibly 15 or 20 other lines of investigation.

Q. When did you join the police department?

A. In 1922.

Q. Were you ever a member of the Communist Party?

A. I was a member of the Workers Party in 1922.

Q. For how long were you a member?

A. A period of approximately eight months.

Q. Did you subsequently join any other Communist organization?

A. No; I subsequently became a member of the I. W. W.—secretary [116] of the I. W. W.

Q. During what period of time was that?

A. That was in 1923.

Q. During your investigation of the Communist

(Testimony of William F. Hynes.)

activities, did you have any assistants under your direction and control?

A. Well, I had approximately 18 to 20 regularly assigned--at times three or four hundred men, working under my direction, in connection with different activities that the Bureau covered.

Q. Did that include Communistic activities?

A. Yes, Communistic activities.

Q. In the course of your duties, did you have occasion to investigate the program and the practices of the Communist Party?

A. Yes; over a period of years.

Q. During that time, did you collect literature of the Communist Party? A. I did.

Q. And during that time, did you make an investigation as to whether this literature was authentic literature of the Communist Party?

A. Yes, sir.

Q. I take it that these other officers working under you also had occasion to make investigations?

A. Yes, sir.

Q. And your testimony is somewhat a result of your own investigation and the investigation of those men who worked under your direction and control?

A. In connection with the Communist Party, more from my own personal investigation.

Q. Have you had occasion to discuss Communist matters with many Communists?

A. Yes, I have talked to a great many Com-

(Testimony of William F. Hynes.)

munists and Communist leaders in my time.

Q. Have you made a collection of Communist literature?

A. Yes; I have quite an extensive library in Los Angeles, various books, official books, publications published by the Workers Party, the Workers Communist Party of the United States and International; and international labor unions; and various organizations of the Communist Party; membership books; documents taken from the Communist [117] headquarters at the time of arrests; documents taken on felony charges which subsequently resulted in felony charges being filed under the Alien Immigration Act, leading to the deportation of aliens.

Q. Approximately how many volumes of documents have you collected, over a period of years, as result of your activities in the police department?

A. Well, we have approximately 30 or 40 cabinets full of official documents issued and published from time to time by the Communist Party. I would be unable to estimate the number. On some occasions, on raids, we seized as many as six or seven thousand pieces of literature; and I recall other times we received as high as three or four thousand pieces of correspondence.

Q. Approximately how many books and pamphlets which have to do with the teachings of the Communist Party have you collected in your lifetime?

(Testimony of William F. Hynes.)

A. I have at times seized or purchased practically every piece of literature that was published by the Communist Party that was available, in the way of publications, Daily Worker, the Young Worker, the Western Worker, People's World, all official proceedings of the World's Congress, of the Communist International, and others.

Mr. Andersen: If your Honor please, he is naming a great many periodicals and other writings which he identifies as official communications of the Communist Party. This is all, as I understand it, but his conclusion and his opinion; and I wish to object to it on that ground unless there is a sufficient foundation laid.

The Court: I take it that is what counsel is doing now: laying the foundation.

Mr. Mercado: Yes.

Mr. Andersen: He is not laying the foundation; he is bringing out the ultimate fact.

The Court: What fact?

Mr. Andersen: The last answer he just gave illustrates that. [118] He testified that various papers and publications were official papers and official publications of the Communist Party.

The Court: Proceed. The objection will be overruled.

Mr. Mercado: Q. Did you ever attend any of the Communist schools? A. No; I did not.

Q. In connection with your investigation, were you able to ascertain which of the documents that

(Testimony of William F. Hynes.)

you have collected were official documents of the Communist Party?

A. Yes; I can identify the documents that were generally sold and distributed by the Communist Party through its official distributing agencies or bookshops, or which were circulated by Communist Party channels.

Q. I will show you here Government's Exhibit in evidence No. 6, entitled, "Programme Of the Communist International"; and ask you if you have ever seen that document before.

A. Yes; I have seen hundreds of copies of this document and have seized a large number of this particular document in question, a similar document, with the same cover, the same title. It has been circulated in Los Angeles by the Communist Party.

Mr. Andersen: I move that the latter part of the answer be stricken as not responsive.

The Court: Read the question and answer. (The record was read by the reporter.) Let the question and answer stand. The objection is overruled.

The Witness: A. (Continuing) I have read the document, also.

Mr. Mercado: Q. Do you know if this document was distributed by the Communist Party as part of its literature and part of its program?

A. It was. It was sold, in its bookshops, as official literature.

Q. I show you Government's Exhibit in evidence

(Testimony of William F. Hynes.)

No. 7, and ask you if you have seen that book before.

A. I have seen any number of these copies, similar copies; I have seen them, with the yellow [119] cover, published by the Kerr Company; and have seen them in the plain, white, newspaper type of cover. This has been sold in the Communist bookstore at 224 South Spring Street, for a period of years. This document is one of the earliest ones.

Q. Might I ask you: Do you know whether the Communist Party circulates this pamphlet as part of their literature?

A. I do. It is advertised in their Workers library listing of books, and was as late as 1930 or 1932.

Q. I will show you Governments' Exhibit 11 in evidence; and ask you if you have seen that book before.

A. Yes, I have seen this book; I seized a numb of copies of similar type of book and cover, and I have seen books of similar type under the same title. This books is one of the first books published in this country, as I recall it.

The Court: Q. Speak up louder.

A. It is one of the first books published, of this type, by the Workers Party; in 1924 or 1925 and 1928, I seized a number of these books.

Q. I will ask you if you know whether this book is distributed by the Communist Party. A. Yes.

Q. I will show you Government's Exhibit 8 in evidence, and ask you if you have ever seen that

(Testimony of William F. Hynes.)

pamphlet before.

A. Yes, I have. I recall, particularly, seizing a number of these in a raid on the Workers Communist Party at 322 West Second Street, I believe, in 1927. These were sold in a bookshop, and a number of them were seized in a raid on a bookshop operated by Paul Reese. This book also was published in a blue cover, as I recall it. This is on sale now in the Communist bookshop, I think, at 226 or 230 South Spring Street, at the present time.

Q. And do you know if this book is distributed by the Communist Party as part of their official literature?

A. *I* was, by the Workers Communist Party.

Q. And it is now being distributed, in different editions, with the [120] same subject matter?

A. Yes, sir.

Q. I will show you Government's Exhibit 9 in evidence; and ask you if you have ever seen that book before.

A. Yes; I have seen and have any number of these copies at the present time. This is generally sold and distributed in the Communist bookstores in Los Angeles by the Communist Party—it is now being sold.

Q. I will ask you whether or not you know this book was distributed as official literature of the Communist Party as a part of its teachings.

A. Well, I know it was circulated and sold in their bookshops.

(Testimony of William F. Hynes.)

Q. I will show you Government's Exhibit 10 in evidence; and will ask you if you have ever seen that document before.

A. Yes; any number of copies of this document; this is sold in the Communist bookstores in Los Angeles; and I have read the document and have possibly 25 or 30 copies of it left.

Q. Do you know if this book was distributed by the Communist Party as representing part of their program? A. It was.

Q. I will show you Government's Exhibit 12 For Identification; and ask you if you have ever seen this book before.

A. Yes; this pamphlet entitled, "The 4th National Convention, Workers (Communist) Party of America," —I have a number of copies of this, which I seized; and I have bought additional copies in the bookstore at 224 South Spring Street. This goes into the controversy within the Workers Party at the time it changed its name to the Workers Communist Party in 1924 or 1925. It also, as I recall, specifically says it is an official publication of the Workers Communist Party. It was sold and circulated by the Communist Party in Los Angeles.

Q. Have you read the pamphlet?

A. Yes, I have read the pamphlet.

Q. I will ask you if you know of this publication entitled, "The 4th National Convention," Government's Exhibit No. 12 for the purpose of identification, was distributed by the Communist Party as

(Testimony of William F. Hynes.)

[121] their official document of their 4th National Convention? A. It was.

Mr. Mercado: I will offer this in evidence, your Honor.

The Court: It will be admitted and marked.

(Document marked "Government's Exhibit No. 12," and the excerpts, "12A.")

U. S. EXHIBIT No. 12-A

THE 4TH NATIONAL CONVENTION
WORKERS (COMMUNIST) PARTY OF
AMERICA

Held in Chicago, Ill.
Aug. 21-30, 1925.
Published by the Daily Worker
Publishing Company.

The 4th National Convention
Workers (Communist) Party of America
Page 13.

"Anti-Religious Training Campaign. Our campaign against religious training in the schools reached great masses of workers. In New York the campaign was carried into the schools, and in Ohio into both the schools and unions. In some districts, as many as 100,000 anti-religious leaflets were distributed."

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 12-A—continued.)

The 4th National Convention
Workers (Communist) Party of America
Page 18.

"In accord with the instructions of the Communist International, most of our work has been carried on in connection with the American Negro Labor Congress * * *."

The 4th National Convention
Workers (Communist) Party of America
Page 23.

"Young Workers' League. The Young Workers' League, during the past period, has consolidated its forces, developing from a loosely scattered organization to its present national character, participating in the struggles of the young workers. More marked than even the organizational growth has been the political development of the Young Workers' League, which today is playing an important role in the Party discussion as well as initiating and participating in a great many political campaigns, such as defense of Crouch and Trumbull, Hands off China, anti-religion, Child Labor, etc."

The 4th National Convention
Workers (Communist) Party of America
Page 41.

"* * * The recent instructions to our Party by

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 12-A—continued.)

the Communist International emphasizes again the necessity of our educating the members of the Party to an understanding of the necessity of their joining the trade unions. * * *"

The 4th National Convention
Workers (Communist) Party of America
Page 43.

"PAMPHLETS.

"The publication of party pamphlets and books was taken over by the Daily Worker in January, 1925. The publications for 1925 will therefore be included in the report of the Daily Worker Publishing Co. During the year 1924 the Party published the following pamphlets:

"The Second Year—Convention Report..... 3,000".

The 4th National Convention
Workers (Communist) Party of America
Page 63-65-66

"Chapter III.

"RESOLUTION OF THE MAJORITY ON THE REPORT OF THE C. E. C.

"1. We endorse fully and wholeheartedly all the decisions of the last plenum of the Comintern and also the decisions of the C. I. on the American question (the Labor Party and the general policies of

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 12-A—continued.)

the Party) and we pledge our energetic support to carry these decisions into effect.

* * * * * * *

"4. We also endorse fully and pledge our most active support to the Comintern and Parity Commission decisions providing for the liquidation of Loreism in our Party. We demand that the Party be united in an uncompromising struggle against this dangerous right wing tendency. We pledge our fullest support to the whole Comintern program of Bolshevizing our Party, including a militant fight against the right wing, the reorganization of the Party on the basis of shop nuclei, and the raising of the theoretical level of our membership.

* * * * * * *

12. The decision of the Comintern on the Labor Party controversy settles the differences of opinion in our Party on that very important question. It gives our Party a clear policy of work and struggle for a Labor Party based upon the mass support of the trade unions. The mistake of temporarily abandoning the slogan pointed out by the Comintern has been corrected by the Central Executive Committee, which has already outlined a program and laid the basis for a new campaign for a Labor Party.

"13. We support fully the insistence of the C. I. that on premature organizational steps shall be taken in the Labor Party campaign, that a Party

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 12-A—continued.)

formed only by the Workers Party and its close sympathizers in close sympathizers' organizations is not a Labor party and that we must guard against the splitting off of the left wing from the Labor Party to transform it into a mass Communist Party, but on the contrary we must let the left wing grow within the broad movement and strive to win the masses for the revolutionary class struggle. We accept fully the position of the majority, approved by the Comintern, that we must fight for a Labor Party based upon the mass support of the trade unions.

"14. We express full confidence in the leadership of the present Central Executive Committee. We are firmly convinced that only by giving the leadership of the Party to the present majority will the Party be able to make the best progress towards becoming a mass Communist Party on the basis of Leninism and under the leadership of the Comintern."

The 4th National Convention
Workers (Communist) Party of America
Page 142.

"In this hour, the Workers (Communist) Party of America, knowing its duty and ready to act with vigor and decision, pledges anew to the workers and peasants of Soviet Russia its every effort to defend and advance the world proletarian revolution, to

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 12-A—continued.)

support Soviet Russia and its allies among the world's exploited and oppressed, to extend and intensify the movement for recognition of Soviet Russia by the American capitalist government on the basis of the common interests of the workers and poor farmers of America with the workers and peasants of Soviet Russia. We shall make all efforts to prevent a new militant attack upon the U. S. S. R. and to hold aloft the banner of the Proletarian Dictatorship of the American bourgeoisie.

"(Adopted unanimously.)"

The 4th National Convention
Workers (Communist) Party of America
Page 166.

"RESOLUTION ON THE SIXTH ANNIVERSARY OF THE FOUNDATION OF THE COMMUNIST PARTY OF AMERICA.

"Comrade Ruthenberg introduced the following resolution on the Sixth Anniversary of the formation of the Communist Party of America:

"The closing day of the Fourth National Convention of our Party falls on the sixth anniversary of the day on which our Party definitely split from the Socialist Party, and on the eve of the day of the formation of the Communist Party.

"Thru six years our Party has held aloft the banner of Communism and the Communist Interna-

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 12-A—continued.)

tional in the United States. Thru years of persecution, deportation and imprisonment our Party has stood firm and continued the struggle to revolutionize the American workers and mobilize them for a Communist Society in the United States.

"The Fourth National Convention marks a new epoch in the history of our Party. It has taken the steps to clear our Party of right wing influence and tendencies and shown the way for the Bolshevization of the Party. It has adopted a correct statement of principles and policy to guide the work of our Party. Our Party goes on from this convention to new and greater achievements for the revolutionary struggle of Communism.

"The Fourth National Convention calls upon all Party units hereafter to celebrate this anniversary by holding of special mass meetings at which the history of our Party and its struggles in the interests of the workers shall be discussed and special efforts be made to draw into the Party the most advanced and militant workers of this country.

"Long Live the Workers Communist Party of America.

"Long Live the Communist International.

"Resolution adopted unanimously."

[Endorsed]: U. S. Ex. 12-A. Filed Dec. 8, 1939.

(Testimony of William F. Hynes.)

Mr. Mercado: Q. I will show you Government's Exhibit No. 13 For Identification, and ask you if you have ever seen that before.

A. Yes, I have. I have eight or ten copies of this particular document entitled, "The Second Year of the Workers Party of America." It is sold and distributed by the Communi*ty* Party bookstores. I have seized any number of copies from Communist Parrty headquarters.

Q. Have you read the document?

A. Yes.

Q. I will ask you if you know, of your own knowledge, if the pamphlet entitled, "The Second Year of the Workers Party of America," Government's Exhibit No. 13 For Identification, was distributed by the Communist Party as their official report on the convention held in Chicago, Illinois, December 30 and 31, 1923, and January 1 and 2 of 1924. A. Yes.

Mr. Mercado: I will offer this in evidence as Government's next exhibit, your Honor.

The Court: It may be admitted, and marked.

(Document marked "Government's Exhibit No. 13"; and the excerpts, "13A.")

(Testimony of William F. Hynes.)

U. S. EXHIBIT NO. 13-A.

THE SECOND YEAR OF
THE WORKERS PARTY OF AMERICA

Report of the Central Executive
Committee to the Third National
Convention.

HELD IN CHICAGO, ILLINOIS
Dec. 30, 31, 1923 and Jan. 1, 2, 1924

THESES. PROGRAM. RESOLUTIONS.
By C. E. Ruthenberg

Published by the Literature Department
Workers Party of America
1009 N. State St., Chicago, Ill.

The Second Year of the Workers Party of America
page 4.

"This mighty, powerful, colossal capitalist order the Workers Party of America is fighting to overthrow and to replace with a new social order. The twenty-five thousand men and women who are today the members of the Workers Party dare hope —nay, believe, are certain—that in spite of the economic power of the capitalists, in spite of the traditions which support their industrial system and government, in spite of laws, courts, police, army and navy, they will win in this struggle and establish a Communist social order in the United States."

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 13-A, continued)

The Second Year of the Workers Party of America

Page 6.

"The reports and resolutions of the Third National Convention of the Workers Party graphically illustrate the practical application of this policy and the growing strength of the Workers Party as a revolutionary force."

The Second Year of the Workers Party of America

Page 7.

"Soviet Russia is a dagger thrust straight at the heart of the whole capitalist world. It is a flag which is the inspiration and rallying point of the exploited everywhere in the world. The Workers Party takes up the fight for Soviet Russia in the demand for recognition and trade relations.

IV.

"Thus there is being created a growing revolutionary force in American life. The capitalists hold in their hands a mighty power. But within the capitalist order there are generated those forces which weaken and disintegrate that power in the form of the continuous class conflict which capitalism engenders. What is needed is the organization which can combine for the struggle against the capitalists all the forces of opposition which it creates. That organization is here—a Communist party, the Workers Party of America."

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 13-A, continued)

The Second Year of the Workers Party of America

Page 13.

"The policies outlined by the Second National Convention had as their basis the application of the United front policy of the Communist International in the United States. * * *"

The Second Year of the Workers Party of America

Page 27.

Communist Propaganda.

"While carrying on the united front campaign of our Party the Central Executive Committee has not overlooked the necessity of continuous propaganda about the fundamentals of Communism, in order that the workers may not be misled as to the real character of our Party. It has kept in the foreground the necessity of the campaigns which would bring out the fundamental Communist principles and educating the workers to an understanding of the Communist program and goal. These campaigns have been the following:

a. Program Distribution.

Immediately after the last convention of the Party the Central Executive Committee undertook the distribution of a million copies of the Party program setting forth these principles. While this goal was not reached we were able to distribute a half-million copies of the program, with the resulting Communist education among the masses."

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 13-A, continued)

The Second Year of the Workers Party of America

Page 42.

"During the year the C. E. C. decided to as quickly as possible establish a series of bookstores in the larger cities for the sale of Communist literature. The first of these stores has been established in New York under the name of the Jimmie Higgins Bookstore and seems to be on the road to success."

The Second Year of the Workers Party of America

Page 80

"Under these conditions to talk of 'democracy' is to throw sand into the eyes of the workers. The much-talked of 'American democracy' is a fraud. Such formal democracy as is written into the Constitution and the laws of the country is camouflaged to hide the real character of the dictatorship of the capitalists.

"While recognizing the impossibility of the workers winning their emancipation thru use of the machinery of the existing government, the Workers Party realizes the importance of election campaigns in developing the political consciousness of the working class. The first step toward revolutionary political action by the working class must be made thru independent political action by the workers in election campaigns. The Workers Party will

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 13-A, continued)

therefore participate in election campaigns and use them for propaganda and agitation to develop the political consciousness of the workers.

"It will endeavor to rally the workers to use their power to make real the rights which the fraudulent American democracy denies them. It will use them to carry on the struggle for the right of labor to create a revolutionary political party and for such an organization to function openly in the political life of the country.

"The Workers Party will also nominate its candidates and enter into election campaigns to expose the fraudulent character of capitalist democracy and to carry on the propaganda for the soviets. It will use the election campaigns to rally the workers for mass political demands upon the capitalist state. Its candidates, when elected to office, will use the forums of the legislative bodies for the same purpose."

The Second Year of the Workers Party of America

Page 86.

"The Workers Party declares its sympathy with the principles of the Communist International and enters the struggle against American capitalism, the most powerful of the national groups, under the inspiration of the leadership of the Communist International.

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 13-A, continued.)

"It rallies to the call: 'WORKERS OF THE WORLD UNITE' "

[Endorsed]: U. S. Ex. No. 13-A. Filed Dec. 8, 1939.

Mr. Mercado: Q. I will show you Government's Exhibit 14 For Identification; and ask you if you have ever seen that document before.

A. Yes; I have fifty or sixty copies of this document at the present time in my office. It purports to be "The Acceptance Speeches of William Z. Foster and Benjamin Gitlow," in the 1928 Presidential election campaign. This book was widely sold and circulated by the Communist Party in Los Angeles. [122]

Q. I will ask you if you have read the document. A. Yes, I have.

Q. I will ask you if this pamphlet entitled, "Acceptance Speeches William Z. Foster and Benjamin Gitlow," Government's Exhibit No. 14 For Identification, was distributed by the Communist Party as representing the acceptance speeches of Mr. Foster and Mr. Gitlow in the 1928 election campaign.

A. Yes; that was distributed by the Workers Communist Party in 1928.

Q. Was this document distributed subsequent to that time also?

A. That document was in existence for years

(Testimony of William F. Hynes.)

after. It was on the shelves of the bookstores to be had.

Q. Do you know if this book received wide circulation in 1928?

A. Well, it was used for the 1928 election campaign; I cannot state the extent of the circulation; I know there were several copies in the book stores for sale if you wanted to get them.

Mr. Mercado: I will offer this in evidence as Government's Exhibit 14.

(Document was marked "Government's Exhibit No. 14"; and the excerpts therefrom, "14A.")

U. S. EXHIBIT NO. 14-A

ACCEPTANCE SPEECHES

of

WILLIAM Z. FOSTER

and

BENJAMIN GITLOW

Of The

WORKERS (COMMUNIST) PARTY

National Election Campaign Committee
Workers (Communist) Party

Published for the National Election Campaign Committee, by Workers Library Publishers, 35 East 125th Street, New York, N. Y.

1928

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 14-A, continued)

Acceptance Speeches

Of

William Z. Foster and Benjamin Gitlow.

"REPORT OF THE
COMMITTEE ON NOMINATIONS

By Robert Minor,
Chairman

Page 7.

"Comrades: Your committee on nominations has reached a unanimous recommendation. The committee is quite conscious of the fact that the nominations of candidates to bear the red flag of working-class revolution, the flag of Communism, in a national campaign, is a very serious one. The purpose of the Communist Party in making nominations is utterly different from the purpose of the Republican Party, the Democratic Party or the so-called Socialist Party in choosing standard-bearers. We are not choosing men or women for the purpose of administering in a smooth manner the machinery of the capitalist state. In choosing the representatives of our Party to go before the masses we are choosing men or women who will mobilize the working class against the capitalist state, against the ruling class, for the overthrow of the present form of society and for the establishment of a revolutionary state—purposes utterly antagonistic to the purposes for which the American democracy, so-called, was formed."

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 14-A, continued)

Acceptance Speech of William Z. Foster

(and Benjamin Gitlow)

Page 11-12

"Our Party, different from the Socialist Party, creates no illusions amongst the workers that they can vote their way to emancipation, that they can capture the ready-made machinery of the state and utilize it for the emancipation of the working class. On the contrary, we must utilize this campaign to carry on a widespread and energetic propaganda to teach the workers that the capitalist class would never allow the working class peacefully to take control of the state. That is their strong right arm and they will fight violently to the end to retain it. The working class must shatter the capitalist state. It must build a new state, a new government, a workers' and farmers' government, the Soviet Government of the United States. (Applause).

"No Communist, no matter how many votes he should secure in a national election, could, even if he would, become president of the present government. When a Communist heads a government in the United States—and that day will come just as surely as the sun rises (Applause)—that government will not be a capitalistic government but a Soviet government, and behind this government will stand the Red Army to enforce the Dictatorship of the Proletariat. (Applause.)"

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 14-A, continued)

Acceptance Speeches

of

William Z. Foster and (Benjamin Gitlow)

Page 13.

" * * * Our Party is a revolutionary Party. It aims not simply to ease conditions a bit under capitalism for the workers but to abolish capitalism altogether. (Applause)."

Acceptance Speech of William Z. Foster

(and Benjamin Gitlow)

Pages 13-14.

" * * * Although we advocate actively our immediate demands, we must always do it in this sense: that the workers should fight and struggle for these demands in the present period but that they must educate and organize themselves to put into effect eventually the full Communist program —the abolishment of the capitalist system itself and the establishment of a Workers' and Farmers' Government."

Acceptance Speeches

of

William Z. Foster (and Benjamin Gitlow)

Page 17.

"Defend the Soviet Union

"Especially in this connection must we under-

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 14-A, continued)

take to mobilize the masses of workers in defense of the Soviet Union. Today the Soviet Union advances with giant strides. It is making tremendous progress in building its industries, in establishing a socialist commonwealth in the face of the most tremendous difficulties. The very existence of the Soviet Union is a menace to the capitalist order the world over. It is an inspiration to the workers of the world, a living proof of the feasibility of the proletarian revolution. The capitalists of every country are determined to destroy the Soviet Union at all costs. They want to wreck its working-class government and seize its great natural resources. And now, under the leadership of Great Britain and with the most active participation by the United States, slowly, systematically they proceed with their mobilization of forces. They are awaiting the opportune time to strike at the Soviet Union with all their massed power."

Acceptance Speeches
of
William Z. Foster (and Benjamin Gitlow.)
Page 18.

" * * * In the last few years, in all the important countries, revolutionary Communist parties have been built up. They have sunk their roots deep among the masses. Under the leadership of the

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 14-A, continued)

Communist International they are mobilizing their forces. The power of this great movement constantly grows. When the international capitalist class, when the imperialists of the world, assisted by their social-democratic lackeys, deem the time opportune and strike at the Soviet Union the blow they are now preparing, they will wake up to a crushing defeat. When that war begins, the Communist International and the millions of workers throughout Europe and other countries that follow its lead will not simply adopt a defensive policy, they will not merely seek to stop their governments from attacking the Soviet Union. On the contrary, they will put into effect the great Leninist strategy. They will turn the imperialist war against the Soviet Union into a civil war of the workers against capitalism. They will destroy the capitalist order and begin the building of the proletarian society. (Applause.)"

Acceptance Speeches

of

William Z. Foster (and Benjamin Gitlow)

Page 29.

"Only the Workers (Communist) Party offers a program capable of organizing the workers for their everyday struggles and to prepare them for the revolution * * * ".

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 14-A, continued)

Acceptance Speeches

of

William Z. Foster (and Benjamin Gitlow)

Page 30.

"The Presidential election campaign must be utilized definitely for the building of our Party, and its press. The campaign will be a failure if we do not succeed in doubling the membership of the Workers (Communist) Party. (Applause.) And all that I have said about the necessity of building the Workers (Communist) Party applies with equal force to the building of the Young Workers League. (Applause.) * * * "

Acceptance Speeches

of

William Z. Foster (and Benjamin Gitlow)

Page 31.

"* * * Let us then build our Party in the daily struggles and in preparation for the revolution. Let us make our Party into a worthy brother of the Communist Parties of the Soviet Union, Germany, France, England, Czecho-Slovakia, China, and other countries, which under the leadership of the Communist International, are gradually mobilizing the working masses of the world for the overthrow of world imperialism and the establishment of the International Socialist Republic. (Applause)."

(Testimony of William F. Hynes.)

(U.S. Exhizit No. 14-A, continued)

Acceptance Speeches

of

(William Z. Foster and) Benjamin Gitlow.

(Page 47)

"* * * We know that you can, that you will do it. that you will work, that you will fight, and that we will take many a step to bring us nearer to victory for the cause of the Communist International in the United States—for the cause of the whole American working class and its allies in the decisive revolutionary battle against the Wall Street imperialists. (Applause.)"

Acceptance Speeches

of

(William Z. Foster and) Benjamin Gitlow.

(Pages 35-36)

"Our Party is an international party, our Party fights imperialist wars, our Party joins hands with the workers and toilers of all countries in defense of the exploited and toiling masses everywhere, and we declare that in the event of a war we will utilize the war to mobilize the workers, to mobilize the farmers, to mobilize the masses to make the war the burial-ground for capitalism not only in this country but also in every other country in the world. (Applause.)"

[Endorsed]: U. S. Ex. No. 14-A Filed Dec. 8, 1939.

(Testimony of William F. Hynes.)

Mr. Mercado: Q. I will show you a pamphlet entitled, "The Platform of the Class Struggle," Government's Exhibit 15 For Identification; and ask you if you have ever seen that document before.

A. Yes; this is a document that could be purchased in the Communist bookstores during the 1928 campaign. I have read the document, and I have any number of copies that were seized in raids on Communist Party headquarters.

Q. I will ask you if you know of your own knowledge that this pamphlet entitled, "The Platform of the Class Struggle," Government's Exhibit No. 15 For Identification, was distributed by the Communist Party as their official statement of the platform of class struggle for the Workers Communist Party of the United States in 1928.

A. It was. [123]

Mr. Andersen: I will object to that. I believe there has been an insufficient foundation laid for this witness to answer the question; he has not been qualified as an expert on that subject at all.

The Court: What have you in mind with respect to qualifications?

Mr. Andersen: He has testified, as I recall his answer to the last question, that it is an official publication of the Communist Party. I do not believe there is sufficient foundation laid for this witness to answer such a question as that.

The Court: Read his question and answer. (Rec-

(Testimony of William F. Hynes.)

ord read by the reporter.) The question and answer stand. You may develop that on cross-examination.

Mr. Mercado: I will offer this in evidence and will ask that it be marked as a Government's Exhibit.

The Court: It may be admitted and marked.

(Document marked "Government's Exhibit No. 15"; and the excerpts therefrom, "15A.")

U. S. EXHIBIT NO. 15-A

THE PLATFORM OF THE CLASS STRUGGLE

By

Workers Library Publishers

35 East 125th Street

New York, N. Y.

Published 1928

Platform of the Workers Party

Page 11.

"President Coolidge summed up in the following way his picture of American capitalism: 'Those are some of the economic results which have accrued from the American principles of reliance upon the initiative and the freedom of the individual. It is the very antithesis of Communism.'—And President Coolidge is right. American capitalism as it is—with all its economic, political, and moral results—is the very antithesis of Communism. There is no other alternative. The issue is capitalism or Com-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 15-A—continued.)

munism. The Workers (Communist) Party of America declares itself the deadly enemy of capitalism. It has as its aim the overthrow of capitalism, the establishment of a workers' and farmers' government, the establishment of a Communist society in which the means of production will not be the private property of the few, a society which will not be based on profit but on labor, which will not be founded on class divisions, which will eradicate both imperialist wars and class wars, which will be able to eliminate poverty."

Platform of the Workers Party
Page 33
First Demand

"* * * * The solidarity of the working class of all countries must be with the only Workers' Republic in the world.

Demands

"1. Defend the Socialist Republic of the Soviet Union, the champion of the cause of the working class of all countries, against the conspiracies of the capitalist powers."

Platform of the Workers Party
Page 34

"VII. Capitalist Democracy and the Govern-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 15-A—continued.)
ment-Strikebreaker.

"Many workers foster illusions as to the possibility of achieving their emancipation from the oppression and exploitation of capitalism through the election of a majority of the members of the legislative bodies and executive officials of the capitalist government. The American Federation of Labor and the Socialist Party help to maintain these dangerous and futile illusions. The national platform of the Socialist Party states: 'By intelligent use of the ballot, aided if need be by industrial action, all class divisions and class rule can be abolished.' It is one of the foremost duties of the Communists to destroy such illusions and to expose all those yellow Socialist misleaders of the workers who help to create these illusions.

"The present government is a government of the capitalists. It cannot be transformed into a government of the working class, and its sole purpose is to defend the interests of private property and oppress the workers, working farmers, the Negro masses, and the colonial peoples.

"The Constitution of the United States was drawn up by the bankers, big landowners, and rich merchants of 1787, admittedly against the working masses. * * *"

Platform of the Workers Party
Pages 37-38

"The working class in its struggle for emancipa-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 15-A—continued.)

tion cannot reform or 'take over' the present apparatus of government. The proletarian revolution will destroy this apparatus, and will build its own based on the factories as units of production and not on territorial congressional districts. The State form of the rule of the working class will be the councils of the workers, which will serve not as 'talking shops' but as working bodies uniting legislative and executive power. This Soviet form of government constitutes the only real democracy for the overwhelming majority of the people, for the toiling masses.

Demands

"1. Abrogation of government by injunction.

2. Prohibition of the use of guards, gunmen, deputy sheriffs, militia or Federal troops in labor struggles.

3. Unrestricted right to organize, to strike, and to picket. Unrestricted right of free speech, free press, and free assemblage for the working class.

4. Abolition of the Senate, of the Supreme Court, and of the veto power of the President."

Platform of the Workers Party

Pages 39-40.

" * * * But it is a dangerous illusion to think that the workers can assume power by electing more and more members of Congress or executive of-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 15-A—continued.)

ficials. The workers can never seize power by the mere means of the ballot. Only by revolution can the working class swing into power. The most important aim of participation in election campaigns is the mobilization of the working masses for the struggle against the bosses and for the political organization of the working class in preparation for the struggle for power. * * *"

The Platform of the Workers Party
Page 62.

"* * * But even the realization of all these demands would not liberate the working class from the double yoke of capitalist exploitation and oppression. Only the full realization of the entire program of the Communist Party can bring about the emancipation of the working class. The Communist Party has the following aims:

"The formation of the proletariat into a class; its separation from other classes; the development of its consciousness, organization, and fighting capacity;

"The organization of a mass Communist Party to lead the struggles of the working class against all capitalist parties;

"The representation of the most general international interests of the working class as a whole as expressed in the principles and practice of the Com-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 15-A—continued.)

munist International;

"The overthrow of capitalist rule;

"The conquest of political power by the working class and the establishment of the Dictatorship of the Proletariat."

[Endorsed]: U. S. Ex. No. 15-A. Filed Dec. 8, 1939.

Mr. Mercado: Q. I will show you Government's Exhibit 16 for Identification; and will ask you if you have seen that document before.

A. Yes; this document entitled, "A B C of Communism,"—I have seized a number of copies of this document in the Communist Party headquarters at 322 West Second Street, and also secured copies of this document in the Simpson Building, on a search, in 1930, in Los Angeles. This book, at that time, was the official circulation by the Workers Party. I remember I purchased a couple of copies for myself.

Q. When you have mentioned, in your testimony in connection with these exhibits, street addresses, all of those addresses relate to Los Angeles, in Los Angeles County, California?

A. Yes, sir.

Q. I will show you a pamphlet entitled, "The International of Youth," Government's Exhibit 17 for Identification; and ask you if you have seen that document before. [124]

(Testimony of William F. Hynes.)

A. This is a magazine that is sold and circulated by the Communist Party bookstores. I have purchased a number of copies, off and on, for a number of years. It was published in England.

Q. I will ask you if this pamphlet, "The International of Youth," Government's Exhibit 17 for Identification, was distributed as an official publication of the Communist Party, within your own knowledge.

A. It was distributed as an official magazine of the Young Communist Party in and around Los Angeles, and sold as official Communist literature.

Mr. Mercado: I will offer this in evidence, your Honor.

The Court: It may be admitted and marked.

(The document was marked "Government's Exhibit 17"; and excerpts therefrom "17A.")

U. S. EXHIBIT NO. 17-A

THE INTERNATIONAL OF YOUTH

(Organ of the Executive Committee of the Young Communist International)

Published by

International Publishing House of the Young Communist International

c/o Young Communist League

38 Great Ormond Street, London, W. C. 1

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 17-A—continued.)

The International of Youth
Pages 5-6

"3. The young and comparatively weak Young Communist League has come out honourably from its baptism of fire and shown itself equal to the events. It completely identified itself with the Party policy concerning the political extension and intensification of the General Strike and the exposure of the Right traitors and 'Left' capitulators. At the same time the Y. C. L. was able to supplement this general policy with the right slogans for the working class youth. These slogans were:

"All young workers into the strike. Representatives of the working class youth in the strike committees and Councils of Action. Fraternisation between soldiers and strikers. United front of the working class youth."

The International of Youth
Page 42
Seventh Congress of the Russian Y.C.L.

"Whereas at present other Young Communist Leagues have to fight against their own bourgeoisie, fight for their liberation, whereas they have to train the youth in the spirit of consciousness of the necessity of destroying the bourgeois State power, and whereas from this aspect the Y.C.L. has to recruit the youth into its ranks and educate them with the Russian Y.C.L. things are quite different."

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 17-A—continued.)

The International of Youth
No. 51

"The Bolshevisation slogan, which the last Enlarged Executive of the Y. C. I. issued in the beginning of 1925, has not remained on paper. This Plenary Executive could not have been so concrete, could not have given such prominence to the real youth questions arising out of the everyday life of our Leagues, had not the work of the last Enlarged Executive provided a basis for actual mass work by the Y. C. L.

VUYOVITCH."

[Endorsed]: U. S. Ex. No. 17-A. Filed Dec. 8, 1939.

Mr. Mercado: Q. I will show you Government's Exhibit 18 in evidence; and ask you if you have ever seen this document before.

A. This document entitled, "Why Communism?" has been printed in several forms; it was one of the most widely distributed pamphlets ever distributed by the Communist Party. Several editions were published by the Western Workers Publishing Company here in San Francisco, and circulated, I think, during the leadership here on the Coast of Sam Darcy—a widely-circulated magazine in Los Angeles. When we arrested any Communist member, we were more likely to find this

(Testimony of William F. Hynes.)

document than any other one. In recent years, it was widely sold, in the bookshops of Los Angeles, by the Communist Party.

Q. You have read the book?

A. I have read the book, yes.

Q. I show you a pamphlet, Government's Exhibit 19 for Identification, and ask you if you have ever seen that pamphlet before.

A. Yes, I have seen this pamphlet and I have purchased six or seven copies in the Communist Party bookshop, I think it is 228 or 230 South Spring Street, in Los Angeles. Its title is: "New Frontiers, 1937."

Q. I will ask you if you know, of your own knowledge, this pamphlet [125] entitled, "New Frontiers," Government's Exhibit No. 19 for Identification, was distributed as one of the official pamphlets of the Communist Party.

A. It was distributed as one of the official series of yearbooks by the Young Communist League.

Mr. Mercado: We will offer this in evidence, your Honor.

The Court: It may be admitted and marked.

(Document marked "Government's Exhibit No. 19.")

Mr. Mercado: Q. I will show you a pamphlet here, and ask you if you have ever seen that pam-

(Testimony of William F. Hynes.)

phlet before. Do not testify in connection with that.

Mr. Andersen: Is that a new one?

Mr. Mercado: I am just asking if he has ever seen it before.

The Witness: A. Yes, I have seen it before.

Mr. Mercado: Q. I will ask you if you have seen this before and under what circumstances and where.

A. Yes, I have seen this pamphlet entitled, "Statutes, Theses and Conditions of Admission to the Communist International, Adopted by the Second Congress of the Communist International July 17th to August 7th, 1920." This document was taken in a raid from the Communists in the Bryson Building, on October 16, 1928, when we arrested several members of the Communist Party. I have seen several other copies of this. However, this book was not widely circulated or sold. I have taken some off of several leaders, at different times of their arrest. This cover on the outside was put on by myself to preserve the book.

Mr. Mercado: I will ask that the pamphlet entitled, "Statutes, Theses and Conditions of Admission to the Communist International," be marked Government's Exhibit for identification.

The Court: It may be marked.

("Statutes, Theses and Conditions of Admission to the Communist International, July 17 to August 7, 1920," was marked "U. S. Exhibit No. 26 for Identification.") [126]

(Testimony of William F. Hynes.)

Mr. Mercado: Q. I will show you a pamphlet and ask you if you have ever seen that pamphlet before. A. Yes, I have.

Q. Where and under what circumstances?

A. I have seen a copy of this, "Programme and Constitution," of the Workers Party of America," when I joined the organization.

Mr. Andersen: What is the date of that?

The Court: Q. Has it a date?

A. It is December 24, 25, 26, 27, 1921, amended at National Convention, Chicago, Illinois, December 30-31, 1923, and January 1, 1924. As I say, I received a copy of the "Program and Constitution" when I joined the organization. This particular copy, however, was taken on the arrest of Sam Globerman, at 322 West Second Street, on August 6, 1927. I recall specifically receiving a number of copies of this "Program and Constitution," in 1925 or 1926, on the ground floor of the Simpson Building, I think it is on Third and Spring Street, in Los Angeles. I know that I have about 18 or 20 copies of this, which was circulated by the parties at that time.

Mr. Mercado: Q. Have you read the pamphlet?

A. Yes, I have read it. I am not certain whether that is the exact copy that I had when I joined the Party; I am not certain that it is.

Q. From your examining of the document, can you say that this document represents the program and policy and states the constitution of the Work-

(Testimony of William F. Hynes.)

ers Party of America, at or about the years 1921 to 1924?

A. I have read the document; and it does embrace the program, as I understood it, when I was in it.

Mr. Mercado: I will offer this document in evidence as Government's exhibit next in order.

The Court: It may be admitted and marked.

(Document referred to marked "Government's Exhibit 27.")

U. S. EXHIBIT NO. 27

PROGRAM

AND

CONSTITUTION

Workers Party of America

[Emblem]

Adopted at National Convention, New York City, December 24-25-26-27, 1921

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PROGRAM OF THE WORKERS PARTY OF AMERICA

The capitalist world, which in 1914 boasted of its

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

great wealth, of its gigantic powers of production, of its smoothly running system of business, of the power and security of its government, is sinking into decay.

Hundreds of billions of wealth have been destroyed by the Great War. The financial structure of many European countries is nearing the point of collapse. Industries produce haltingly or have come to a stop altogether. The capitalist governments try one trick after the other to maintain their power in the face of the wrath of the suffering masses.

The victorious and vanquished countries of the world war present a picture that is different only in the degree of the suffering and misery which is the lot of the workers. Central Europe is a mass of hungry men, women and children. In England, France and Italy an army of workers numbering millions in each instance have no work and daily come closer to the same conditions. In the United States great strikes expressing the resistance of the workers to the capitalist effort to lower their standard of living follow one upon the other. The war clouds still hover over the world and threaten again to engulf mankind in the abyss of bloodshed and destruction.

Soviet Russia alone has freed itself from the forces of destruction, which are inherent in the capitalist system and which threaten the destruction of civilization. In Soviet Russia the foundation has been laid for the new social order and there

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

is being erected that structure which will forever free mankind from the suffering, bloodshed and destruction of the capitalist system.

The Class Struggle

The whole capitalist system of production rests upon the robbery and enslavement of the workers. In the United States, the Morgans, the Rockefellers, the Schwabs, the railroad kings, the coal barons, the industrial magnates own the means of production and the workers cannot secure work without their consent. They are unable to earn the means of buying food, clothing and homes to live in without the permission of these financial and industrial kings. The owners of capital are so many czars and kaisers, each with a group of workers ranging from a few hundreds to tens of thousands whose right to life they hold in their hands thru their control of the workers' opportunity to earn a living.

The conditions on which the workers are permitted to work is the enrichment of the capitalists. They must work for wages which will leave in the hands of the railroad kings, the coal barons and industrial magnates a large share of what they produce or otherwise they are denied employment. They must add more millions to Rockefeller's billions, they must create new hundreds of millions for Morgan, they must add to the swollen fortunes of the financial and industrial lords of the country.

In the Declaration of Independence, a document underlying the institutions of the country, it was

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

laid down as a principle that all men are endowed with certain inalienable rights, and "that among these are life, liberty and the pursuit of happiness."

These rights do not exist for the thirty million American wage workers and their families. The workers of this country are industrial slaves. They cannot work and earn a living without the consent of the capitalists. That consent is given only upon the conditions that they make the capitalists richer.

It is the struggle against these conditions which is continually breaking out in strikes. The history of this country during the last half century is full of examples of the rebellion of the workers. The capitalists continually seek to secure greater profits for themselves, while the workers struggle to improve the conditions of their life by forcing the capitalists to pay higher wages and to grant better working conditions. The result is the class-struggle which manifests itself on all sides in the United States.

The great strikes at Pullman, Homestead, McKees Rocks, Lawrence, Mass.; Ludlow, Colo.; Calumet, Mich.; Messaba Range, the steel strike and the miners' strike in 1919, the West Virginia miners' strike, are all outstanding incidents in the class struggle, which is being fought daily in every industrial center in the United States.

Since the end of the few months of prosperity

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

for the financial and industrial magnates, which followed the close of the war, the capitalists have been fighting to put upon the working people of this country the burden of the destruction of wealth during the war. They are endeavoring to make the working people, who paid the cost of the war in blood, pay also for the destruction and waste of the war in a lower standard of living. They are trying to make the working people pay by forcing them to work for lower wages and longer hours.

The result has been that the struggle between the workers and the financial lords and industrial magnates has grown even more bitter. The workers are fighting against a lower standard of living. They refuse to eat poorer food, to wear poorer clothes, to live in poorer homes, to have less opportunity for the education of their children. The garment workers' strike, the miners' strike, the railroad shopmen's strike, the textile workers' strike, are evidence of the resistance of the workers to a bitter industrial slavery, resistance which has found expression in such open, violent clashes as the armed struggle in West Virginia and at Herrin, Ill.

The mass power of the exploited class is its strongest weapon in this struggle against the capitalists. If during the strike of the coal miners, the railroad shopmen, and the textile workers, the whole working class had united in mass meetings and mass demonstrations against the use of the courts and soldiers in the strikes, they could have, through

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

such mass pressure, compelled the government to withdraw the troops and recall the injunctions.

When in 1916 the railroad workers through the threat of general strike, compelled the Congress to pass the Adamson eight-hour day law, they demonstrated the strength of the direct mass power of the workers.

The West Virginia miners who marched into Mingo County to compel the coal barons and their armed thugs to respect the rights guaranteed the miners under the constitution and the laws of West Virginia and the nation made use of their mass power to establish these rights.

The conflict between the workers and the capitalists cannot be harmonized or compromised while the railroad kings, the coal barons and the industrial magnates own and conttrol the factories, mines, mills and railroads. It can only be ended by abolishing the capitalist system.

The Workers Party will enter into every struggle involving the interests of the exploited class and through its slogans and programs of action will endeavor to develop the mass power of the workers. It will seek to unite ever greater numbers of workers in a common struggle so that each struggle will come to be, not a struggle of a small group of workers against a section of the capitalist class, but a struggle of the working class against the capitalist class.

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

The Government

In the struggle between the workers and the industrial magnates, the coal barons and the railroad kings, the government is openly on the side of the capitalists.

The miners of West Virginia, fighting for the right to organize against the armed thugs of the coal barons, were forced into submission by the army acting under the orders of the Federal Government.

The railroad workers have had worse working conditions and reductions of wages forced upon them by the Railway Labor Board, created by the United States government to help the capitalists beat the workers into submission. This Board has shown the bankruptcy of capitalism in the declaration, that the railroads cannot pay a "living wage," thus also placing all the power of the government behind the capitalist drive to force down the wages of the workers below the point of a decent existence.

In the miners' strike and the shopmen's strike, the Harding administration used all its power to break the strike. The States Governments filled the strike centers with soldiers to intimidate the workers and force them back to work.

Courts everywhere are issuing injunctions against strikers. In Kansas an Industrial Court denies the workers the right to strike at all. The Supreme Court, through the decision in the Coronado case, gives the capitalists a club with which to destroy

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

any union which dares to strike for better wages and working conditions. Through the Daugherty injunction the government swept aside all the rights of the workers with one stroke of the pen of a capitalist judge.

Government officials conspire with the exploiters of labor to put militant leaders of the working class movement in prison. The Mooney frame-up, the Sacco-Vanzetti prosecution and a score of similar cases show how the government works in close cooperation with the employers to rid them of individuals and movements threatening their interests.

The Capitalist state, that is, the existing government, municipal, state and national, is the organized power of the capitalist class for suppression of the exploited and oppressed workers. A democratic president, Cleveland, used federal troops against the Pullman strikers; a republican president, Roosevelt, threatened the hard coal miners with the iron fist of the government in 1902; another democratic president, Wilson, used all the governmental power, from courts to soldiers, against the steel workers and coal miners in 1919; and the republican president, Harding, did the same in the miners' and shopmen's strikes of 1922.

The workers cannot wage a successful struggle against capitalist exploitation and oppression, while the government remains in control of the capitalists. The Workers Party therefore declares that the class struggle is a political struggle, a struggle

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)
for the governmental power.

Imperialism

The government of the United States is not only an instrument of aggression against the workers in the class struggle in this country. It is also the instrument through which the capitalists fight their battles against the competing capitalists of other countries.

In the United States capitalism has reached a high degree of development. At this stage of development capitalism produces goods, predominantly tools, machinery, rails, locomotives, the products of iron and steel, which under the conditions of capitalist production must be sold in foreign markets. Coincident with this development of capitalism it becomes increasingly difficult for the capitalists to invest their new capital profitably in home industry. In order to prevent the breakdown of the whole capitalist system, the capitalists must sell their surplus goods and find profitable investment for their surplus capital. They are also faced with the need of finding new sources of raw material for the highly developed capitalist industries. These needs produce the policy of imperialism and have developed American imperialism.

American capital has been invested in Mexican mines and oil fields. It is being used to exploit the resources of China. It is invested in loans to the countries of West Indies, Central and South Amer-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

ica. These investments create markets for the surplus products of American industry as well as profitable use for new capital created for the capitalists by the exploited American workers.

The power of the government is openly used by the financial lords of Wall Street to open up weaker countries for these investments and to protect their investments.

Since the Spanish-American war, in which this country acquired the Philippines and Porto Rico, American imperialism, "Dollar Diplomacy," has overthrown the governments of Haiti and Santo Domingo and subjected the people of those countries to the bitterest oppression in order to safeguard the loans of Wall Street. Nicaragua has been reduced to vassalage. Cuba is a protectorate of the United States in the interests of the Sugar Trusts. The Mexican government is coerced to agree in the interests of oil and banking capital.

The World War, which drenched Europe in blood and in which millions of workers lost their lives, was the consquence of the imperialist rivalry between the capitalist governments of the world.

Although capitalism still lies shattered as a result of that war, a new imperialist struggle is already under way, which points to a new war and greater suffering and misery for the masses of the world.

After the Washington conference the imperialists of the world endeavored to harmonize their differ-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

ences through division of the loot of the Pacific in order that they might reduce the burden of naval armament. This conference has, however, proven a complete fiasco and already the nations participating in it are repudiating its decisions. In spite of all this conference could do, the United States is still in conflict with England over the division of the oil fields of the world and the rivalry between the United States and Japan constantly grows sharper.

The necessity which compelled the capitalists of each nation to hurl tens of millions of men into the death struggle upon the European battlefields has not been abolished. Driven by the same necessity, the American capitalists are using the governmental power to advance their interests in all parts of the world.

Imperialism with all its horrible consequences in the crippling and maiming and killing of the workers and the great destruction of wealth can only be ended through the workers wresting the power of the government from the hands of the capitalists.

Election Campaign and American Democracy.

The Workers Party will not foster the illusion, as is done by the yellow Socialists and Reformists that the workers can achieve their emancipation from the oppression and exploitation of capitalism through the election of a majority of the members of the legislative bodies of the capitalist government and the executive officials of that government,

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

and by using the existing government to establish the new social order.

The Constitution of the United States was so drafted as to protect the interests of the exploiters of the workers. The merchants, the bankers, and land-owners of 1787 wrote into the Constitutions provisions which they hoped would forever protect the interests of their class.

A majority of the people of the United States cannot change the Constitution. The vote of two-thirds of the members of the legislators of three-fourths of the states is required to pass a constitutional amendment. One-fourth of the states, in which there may live only one-fortieth of the population can prevent any change of the fundamental law of the land.

The Constitution contains a series of checks and balances which are intended to make it impossible for a majority antagonistic to the ruling class to make its will effective. The members of the House of Representatives are elected every two years, the President every four years, the members of the Senate every six years, so that a complete change of the government can be made only through elections spread over six years. The Senate has a veto over the decisions of the House, the President can veto the actions of both bodies, and over and above the House, the Senate and the President stands the Supreme Court, which can nullify laws which all three unite in passing.

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

The character of the Constitution as a document intended to protect the bankers and industrial magnates of the country has been made clear in many decisions under its provisions. Child labor laws, laws regulating hours of labor, and protecting life and health of the workers, and minimum wage laws have been declared void. A weapon to strike down organized labor has been found in its clauses as shown in the Coronado decision.

In addition to the protection which the Constitution gives to the coal barons, railroad kings, and the industrial and financial lords, millions of workers are disfranchised in this country through naturalization laws. Hundreds of thousands of citizens cannot vote because of residential qualifications, which through the necessity of earning a living wage make it impossible for them to comply with.

The capitalists control thousands of newspapers through which they shape the ideas of the masses in their interests; they control the schools, the colleges, the pulpits, the moving-picture theatres, all of which are part of the machinery through which the capitalists shape the minds of the workers.

When it serves their purpose the capitalists do not hesitate to expel members of the legislative bodies elected by working class votes. This was done in the case of the Socialist members of the Cleveland City Council and a member of the School Board of that city. These representatives, elected by the workers, were expelled in violation of all law

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

to stifle their protests against the imperialist war. The expulsion of the Socialist assemblymen of New York state is a case of similar character.

Under these conditions to talk of "democracy" is to throw sand into the eyes of the workers. The much-talked of "American democracy" is a fraud. Such formal democracy as is written into the Constitution and the laws of the country is camouflage to hide the real character of the dictatorship of the capitalists.

While recognizing the impossibility of the workers winning their emancipation through the use of the machinery of the existing government, the Workers Party realizes the importance of election campaigns in developing the political consciousness of the working class. The first step toward revolutionary political action by the working class must be made through independent political action by the workers in election campaigns. The Workers Party will therefore participate in election campaigns and use them for propaganda and agitation to develop their political consciousness of the workers.

It will endeavor to rally the workers to use their power to make real the rights which the fraudulent American democracy denies them. It will use them to carry on the struggle for the right of labor to create a revolutionary political party and for such an organization to function openly in the political life of the country.

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 27—continued.)

The Workers Party will also nominate its candidate and enter into election campaigns to expose the fraudulent character of capitalist democracy and to carry on the propaganda for the soviets. It will use the election campaigns to rally the workers for mass political demands upon the capitalist state. Its candidates, when elected to office, will use the forums of the legislative bodies for the same purpose.

The Labor Party

The open use of the governmental power against the workers and farm laborers, tenant farmers and working farmers of this country has developed a widespread movement for the formation of a labor party. This movement is an expression of the awakening class consciousness of the American workers.

The Workers Party favors the formation of a labor party—a working-class political party, independent of, and opposed to all capitalist political parties. It will make every effort to hasten the formation of such a party and to effect admittance to it as an autonomous section.

The mighty centralization of power of the government of the United States, which was brought about by the war, the offensive of the capitalist class, which resulted from the economic crises, make it necessary for the workers to defend themselves politically. The change in the wages of the skilled and unskilled workers have brought them nearer to

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

the same conditions of life, the taking away of the privileges of the "aristocracy" of labor by the capitalist power, the assimilation of the foreign born, the organization of the alien workers as militant trade unionists, have for the first time in the history of the American labor movement produced a uniformity of the working class which makes possible the organization of a labor party.

A real labor party cannot be formed without the labor unions and organizations of exploited farmers, tenant farmers and farm laborers must be included. The Workers Party will direct its propaganda and educational work to the end of arousing a mass sentiment of the labor party in the labor unions to secure the formation of such a party.

Labor Unions

The division of the organized workers into craft unions is one of the greatest obstacles to the progress of the workers in this country against capitalism.

During the past two years organized labor has been dealt many heavy blows by the employers, who are bent on destroying or at least weakening so as to make ineffective the organization of the workers. In spite of this desperate struggle, each craft has fought alone. There has been no united resistance, no solid united front against the industrial kings, who are striving to reduce the wages and make worse the working conditions of the workers. The example of the seven railroad shop unions, strik-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

ing while nine other railroad unions continued to serve the railroad kings and help them to whip their fellow workers is but one striking example of a situation which exists everywhere in the ranks of organized labor in this country.

In addition to the weakness of the craft form of organization the labor unions suffer from a fundamental error of policy. In place of waging a class struggle to free themselves from the grip of the capitalists they have pursued the policy of attempting to come to an agreement with the capitalists on the basis of "a fair day's pay for a fair day's work."

No such compromise with capitalism can be permanent. The hunger of the capitalists for greater profits drives them to seek to lower the standard of living of the workers when they have the upper hand. On the other hand when the workers are in strong position their need and their desire for more of the good things they produce results in greater demands upon the capitalists.

The gain of the workers during the war time scarcity of labor and their present losses indicate the futility of the hope that the class struggle can be settled through a compromise.

The labor unions must be revolutionized; they must be won for the class struggle against capitalism; they must be inspired with a new solidarity and united to fight a common battle. The existing craft unions must be amalgamated and powerful

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

industrial unions created in each industry. The reactionary official bureaucracy of the unions must be supplanted by the shop delegates system.

The Workers Party declares one of its chief immediate tasks to be to inspire in the labor unions a revolutionary purpose and to unite them in a mass movement of uncompromising struggle against capitalism. It will use all the resources at its command to educate the organized workers to an understanding of the necessity of amalgamation of the craft unions into industrial unions.

This end cannot be achieved if the revolutionary workers leave the existing unions to form feeble dual organizations. The work of transforming the labor unions must be carried on inside of the existing unions. The members of the Workers Party will carry on their work within the existing unions to awaken the spirit of class struggle and to bring about a reconstruction of the organization form so as to make of the unions powerful organized centers of the workers' struggle against capitalism.

The Workers Party declares its support *fo* the Red Labor International and adopts as its program for the struggle within the unions the theses of the Red Labor International on the American Labor Unions.

The Working Farmer and Farm Laborer

The struggle of the farm laborers is the same struggle in which the industrial workers are engaged. It is a struggle against those who exploit

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

them through low wages and hard working conditions. The Workers Party will seek to organize the farm laborers into unions of agricultural workers and to unite them with their brothers in the industrial centers for the common struggle against capitalizm.

While the exploitation of the working farmer is not so apparent, he suffers in the grip of the same enemy who robs the industrial workers of the cities. The bank, which holds the mortgage on his land, the railroad which transports his product, the grain elevator or the commission house which he must use in marketing his products represent the tentacles of the same capitalist system which is robbing the industrial workers.

The interests of the working farmers, tenant farmers and farm laborers are linked together with those of the exploited industrial workers and it is the aim of the Workers Party to arouse them to a consciousness of this and to unite them with the industrial workers in a common struggle against their common exploiter.

The Negro Worker

The Negro workers of this country are exploited and oppressed more ruthlessly than any other group. The history of the Southern Negro is the history of brutal terrorism, of persecution and murder.

During the war tens of thousands of Southern Negroes were brought to the industrial centers of the North to supply the needs of the employers for

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

cheap labor. In the Northern industrial cities the Negro has found the same bitter discrimination as in the South. The attack upon the Negroes of East St. Louis, Illinois, the riot in Chicago are examples of the additional burden of oppression which is the lot of the Negro workers.

Although the influx of Negro workers in the Northern industrial centers has laid the foundation for a mass movement of Negroes who are industrial workers, because of neglect of this problem by organized labor little progress has been made in organization of these industrial workers. The Negro has despaired of aid from organized labor, and he has been driven either into the camp of the enemies of labor, or has been compelled to develop purely racial organizations which seek purely racial aims.

The Workers Party will support the Negroes in their struggle for liberation and will help them in their fight for economic, political and educational equality. It will seek to end the policy of discrimination followed by some labor unions and all other discriminations against the Negro. It will endeavor to destroy altogether the barrier of race prejudice that has been used to keep apart the black and white workers and to weld them into a solid union for the struggle against the capitalists who exploit and oppress them.

Soviets, or Workers' Councils

The experience of the workers in the struggle against capitalism has proven that the workers can-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

not take over the ready-made machinery of the Capitalist government and use this machinery to build up a Communist society. The form of organization of the existing government, constitutional basis, its laws, the bureaucracy, which has been built up over a century cannot be used by the workers. They are all of a character to aid the capitalists in the struggle against the workers and cannot be transformed into instruments of struggle of the workers against the capitalists.

The workers' revolution in Russia, Hungary, Bavaria, the revolutionary struggle in Germany, all show that the Soviets or Workers' Councils are the organizations of the workers' power which in time of crisis arise naturally out of the previous struggles and experiences of the workers.

The Soviets are first constituted through delegates elected by the workers in the factories and labor unions. They are comparable to a general strike council, which might arise in the case of a strike embracing all the workers of a city. The local councils are federated in state or district councils and these in a national council, or Soviet, which is the supreme organ of the working class government. The Soviets carry on both the legislative and administrative work of the working class government.

The Workers Party will carry on propaganda to bring to the workers an understanding of the necessity of supplanting the existing capitalist government with a Soviet government.

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

The Dictatorship of the Proletariat

The existing capitalist government is a dictatorship of the capitalists. Today in the United States a comparatively small group of capitalist-financial and industrial kings, with headquarters in Wall Street, control the government of the United States, of the states and municipalities. Through the capitalist government this group of financial and industrial kings enforce their will upon the thirty million workers and their families.

While part of the workers are granted the hollow mockery of voting, they find that whether they vote for the Republican or Democratic candidate, in time of struggle the government is always on the side of the financial and industrial kings.

The Soviet government of the workers will, because of the same necessity—the necessity of suppressing the capitalists—be a dictatorship of the workers. The government expressing the will of the thirty million workers will openly use its power in the interests of the workers and against the capitalists.

The Goal of the Proletarian Dictatorship

It will be the task of the government of the thirty million workers of this country to take from the capitalists the control and ownership of the raw materials and machinery of production upon which the workers are dependent for their life, liberty and happiness and to establish collective ownership.

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

Together with this collective ownership the Workers' Government will as quickly as possible develop the management of the industries by the workers.

Through the establishment of this Communist system of industry the exploitation and oppression of the workers will be ended. As the power of the capitalists in industry wanes and Communism is established the struggle between the classes will disappear and the dictatorship of the Proletariat will become unnecessary and will cease to function. The government will become an instrument for administration of industry and the full, free Communist society will come into being.

The International

The Workers Party accepts the principle that the class struggle for the emancipation of the working class is an international struggle. The workers of Russia have been obliged to fight against the whole capitalist world in order to maintain their Soviet Government and to win the opportunity of rebuilding their system of production on a Communist basis. In this struggle they have had the support of the enlightened workers of every country.

The future struggles against capitalism will take the same character. In order to win the final victory in the struggle against world capitalism the working class of the world must be united under one leadership.

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(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

The leadership in the international struggle which inspires hope in the hearts of the workers of the world and arouses fear in the capitalists of every country is the leadership of the Communist International.

The Workers Party declares its sympathy with the principles of the Communist International and enters the struggle against American capitalism, the most powerful of the national groups, under the inspiration of the leadership of the Communist International.

It rallies to the call: "WORKERS OF THE WORLD UNITE."

CONSTITUTION OF THE WORKERS PARTY OF AMERICA

Article I—Name and Purpose

Section 1—The name of this organization shall be THE WORKERS PARTY OF AMERICA. Its purpose shall be to educate and organize the working class for the abolition of capitalism through the establishment of a Workers and Farmers Republic.

Article II—Emblem

Section 1—The emblem of the party shall be the crossed hammer and sickle with a circular margin having at the top, "Workers Party of America," and underneath, "Workers of the World, Unite."

Article III—Membership

Section 1—Every person who accepts the prin-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

ciples and tactics of the Workers Party of America and agrees to submit to its discipline and engage actively in its work shall be eligible to membership.

Section 2—Applicants for membership shall sign an application card reading as follows:

"The undersigned declares his adherence to the principles and tactics of the Workers Party of America as expressed in its program and constitution and agrees to submit to the discipline of the party and to engage actively in its work."

Section 3—Every member shall join a duly constituted branch of the party if such exists in the territory where he lives or works. Applicants living in territories where the Workers Party of America has no organized branch may become members at large.

Section 4—All applicants for membership must be endorsed and recommended by two persons who have been members for not less than three months. An applicant must be present in person when his application is acted upon.

Section 5—Applications for membership shall not be acted upon finally until one month after presentation. In the meantime the applicant shall pay initiation fees and dues and shall attend all meetings. This rule shall not apply to charter members of new branches nor to those who make application to the newly organized branches during the first month.

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 27—continued.)

Article IV—Units of Organization

Section 1—The basic units of organization of the Workers Party of America shall be:

a) The Branch, to consist of not less than five members.

b) Members-at-large, who shall be connected with the nearest district organization.

c) Such special forms of local organization as may be authorized by the Central Executive Committee.

Section 2—Two or more branches in the same city shall form a City Central Committee. The City Central Committee may also include branches in adjacent territory.

Section 3—The Central Executive Committee is empowered to designate the boundaries of the district organizations (which may include more than one state or parts of state), such boundaries to be fixed with regard to economic rather than state divisions. For the purpose of carrying on parliamentary activity, the City Central Committees and branches in any state shall constitute the state organization. The entire supervision of this activity shall be assigned by the Central Executive Committee to the district organization best equipped for this purpose.

Article V—Administration

Section 1—The supreme body of the Workers Party of America shall be the Convention of the Party.

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

Section 2—Between conventions the Central Executive Committee elected by the convention shall be the supreme body of the Party and shall direct all the activities of the Party.

Section 3—The administrative power of the district shall be vested in the Annual District Convention.

Section 4—Between District Conventions the administrative powers of the district shall be vested in the District Committee elected by the District Convention. District organizers appointed by the Central Executive Committee shall be members of the District Committee and carry on their work under its supervision.

Section 5—The City Central Committee shall consist of delegates elected by the branches. Every branch shall have at least one delegate. The City Central Committee shall meet at least twice a month. The City Central Committee shall elect a secretary, executive committee and such other officers as may be found necessary. The District Executive Committee reserves the right of approval of secretary.

Article VI—Conventions

Section 1—The Convention is the supreme body of the Party, and shall be called by the Central Executive Committee at least once a year.

Section 2—Emergency conventions, with all the powers of regular conventions, may be called by the Central Executive Committee or upon demand of

(Testimony of William F. Hynes.)

(U. S. Exhibit No. 27—continued.)

District Organizations representing 40 per cent of the membership.

Section 3—The number of delegates to the National Convention shall be determined by the Central Executive Committee. Delegates shall be apportioned to the districts according to membership based upon average dues paid for the period of four months prior to call for the convention. The districts shall apportion the number to be elected by city conventions on the same basis.

Section 4—Delegates to the national convention shall be elected by district conventions. Branches in organized cities shall elect delegates to a city convention. City convention shall elect the delegates to the district conventions. The number of delegates to which each branch is entitled shall be decided by the City Central Committee according to membership cited as above. When there is no city central organization the branch shall elect delegates directly to the district convention.

Section 5—City and district secretaries and organizers shall attend the conventions of their respective units and shall have a voice but no vote unless elected as delegates themselves.

Section 6—City and district conventions may elect as their delegates members of the Party from units outside their territorial divisions.

Section 7—At the same time that the call for the convention is issued *he* Central Executive Committee shall submit to every branch for discussion the

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

Agenda and other propositions that are to come before the convention. At least sixty days before the Convention the Party Press shall be opened for discussion of important Party matters. District Committees may submit propositions to be included in the Agenda.

Section 8—Delegates to the National Convention shall be paid railroad expenses and a certain amount per diem to be determined by the Central Executive Committee.

Section 9—Delegates to district conventions must have been members of the party for one year. Delegates to National Conventions must have been members of the party for two years. Delegates to City Conventions must have been members of the party for six months.

Article VII—Central Executive Committee

Section 1—Between Conventions the Central Executive Committee shall be the supreme body of the Party and shall direct all its activities.

Section 2—The Central Executive Committee shall consist of thirteen members. Twelve shall be elected by the Convention and the N. E. C. of the Young Workers League shall elect one. The Convention shall also elect seven alternates, to fill vacancies in order of vote. When the list of alternates are exhausted the Central Executive Committee shall have the right of co-optation.

Section 3—The Central Executive Committee

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

shall elect the Executive Secretary and Chairman of the Party, and all other officers.

Section 4—The Central Executive Committee shall appoint*ed* District Organizers and all national officials. It shall create sub-committees for the proper direction of its activities.

Section 5—The Central Executive Committee shall make a monthly report of the Party activities and of Party finances, itemized by districts.

Section 6—The Central Executive Committee shall divide the country into districts in accordance with Article IV, Section 3, provided that the boundary lines of the districts shall not be changed within a period of four months prior to the national convention.

Section 7—A complete audit and accounting of all Party funds shall be made every six months.

Section 8—All press and propaganda activities shall be under the full control of the Central Executive Committee.

Article VIII—District and Subordinate Units

Section 1—The Central Executive Committee shall appoint District Organizers for each district.

Section 2—Every district organizer shall make complete reports to the District Executive Committee as to the general Party work in his district. He shall submit and carry out the instructions and decisions of the Central Executive Committee. He shall make remittances and financial statements regularly to the Central Executive Committee and

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

shall also submit financial statements to the membership in his district at least once a month.

Section 3—District conventions shall be held within thirty days of the national convention. The district convention shall elect six members to the District Executive Committee.

Section 4—These six members, together with the District Organizer, who shall be a member of the District Executive Committee with voice and vote, shall supervise the activities of the district and shall regularly submit the minutes of their meetings to the Central Executive Committee. All actions of the District Committee are subject to review by the Central Executive Committee.

Section 5—The District Executive Committee shall determine the boundaries of the city locals.

Section 6—The City Central Committee shall consist of delegates representing branches in accordance with their relative memberships. Each branch shall be represented by at least one delegate. The City Central Committee shall have supervision of all activities in the local and shall make regular reports of its work to the District Executive Committee.

Section 7—The City Central Committee shall elect a city executive committee, consisting of from 5 to 7 members, which shall act for the city central committee between meetings.

Section 8—The Branch shall consist of members, as provided in Article III, Section 1. It shall elect

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

an executive committee, branch organizer, industrial organizer, delegates to the City Central Committee, and such other officers as may be considered necessary.

Article IX—Language Sections

Section 1—Members speaking a common language other than English may organize into a "Language Branch."

Section 2—There shall be only one section in each language, and all language branches must affiliate with their respective language sections.

Section 3—All language branches shall be integral parts of the party structure in their localities, and shall perform and carry out all Party functions and obligations.

Section 4—Shortly after Party Conventions, national language conferences shall be held. Those conferences shall formulate plans for education and propaganda in their respective languages, subject to the approval of the Central Executive Committee. All actions of these conferences shall be in strict conformity with the decisions of the Party Convention and the Central Executive Committee. Expenses of these conferences shall be borne by the language sections.

Section 5—The language section conference shall elect a bureau to administer its affairs and a suitable number of alternates. The bureau shall elect the editors and officers and shall supervise all ac-

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

tivities of their respective language sections, subject to the approval of the Central Executive Committee.

Section 6—The Central Executive Committee shall have the right to disapprove the members elected by the conference to the language bureaus and fill such vacancies.

Section 7—The Central Executive Committee may appoint a fraternal member to every language section executive committee with voice but no vote.

Section 8—The bureau shall have the right to appoint district language section organizers subject to the approval of the Central Executive Committee. All organizers shall work under the supervision of the Party District Organizers in the various districts.

Section 9a)—National Language Bureaus shall translate and transmit all statements, circulars and communications addressed to the membership by the Central Executive Committee within one week after their receipt.

Section 9b)—Language branches shall purchase their due stamps directly from their national bureau, which shall purchase due stamps from the Central Executive Committee at 30 cents each, and sell same to its branches at a price determined by the Language Section conference. The branches to sell due stamps to members at 50 cents. The national office shall remit to the district organization

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

ten cents, and to the city local five cents for each stamp sold to languege sections.

Section 9c)—The National Language Bureau shall account to the Central Executive Committee regularly for all funds entrusted to it and shall make regular financial reports to the Central Executive Committee regarding all the institutions under its control. Its accounts shall be subject to the audit of the Central Executive Committee. Special assessments may also be levied by the National Language Bureaus on the membership with the approval of the Central Executive Committee.

Section 10a)—Language Bureaus and Language Sections shall have no power to suspend, expel or reorganize affiliations. All disciplinary powers are vested exclusively in the regular Party organization machinery.

Section 10b)—Language Bureaus and Sections may recommend such suspension, expulsion or reorganization to the party units having jurisdiction.

Article X—Discipline

Section 1—All decisions of the governing bodies of the Party shall be binding upon the membership and subordinate units of the organization.

Section 2—Any member or organization violating the decisions of the Party shall be subject to suspension or expulsion by the organization which has jurisdiction. Charges against members shall be made before branches, subject to appeal by either side to

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

the City Central Committee or to the District Executive Committee, where there is no city organization. Charges against a branch shall be made before the City Central Committee or before the District Executive Committee where there is no city organization. Decisions of the City Central Committee in the case of branches shall be subject to revision by the district organization. Charges against state or district organization shall be made before the Central Executive Committee.

Section 3—Each unit of the Party shall restrict its activities to the territory it represents.

Section 4—A member who desires to transfer his membership to another branch shall have a transfer card from the financial secretary or organizer of his branch. No branch shall receive a member from another branch without such transfer card and upon presentation of the card the secretary of the branch receiving same shall make inquiries about the standing of the member to the secretary issuing the card.

Section 5—All party units shall use uniform application cards, dues books and accounting records, which shall be printed by the National Organization.

Section 6—Any suspended or removed member of the Central Executive Committee shall have the right to appeal in writing or in person to the next National Party Convention.

Article XI—Dues

Section 1—Each applicant for membership shall

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

pay initiation fees of fifty cents, which shall be receipted for by an initiation stamp furnished by the Central Executive Committee. The entire sum shall go to the National Organization.

Section 2—Each member shall pay fifty cents per month in due stamps, which shall be sold to the state or district organizations at 25 cents. State or District Organizations shall sell stamps to the City Central Committee and to the branches where there is no city central committee at 35 cents. The City Central Committee shall sell stamps to branches at 40 cents.

Section 3—Special assessments may be levied by the National Convention or Central Executive Committee. No member shall be considered in good standing unless he purchases such special assessment stamps.

Section 4—Husband and wife belonging to the same branch may purchase dual stamps, which shall be sold at the same price as the regular stamps. Special assessments must be paid by both husband and wife.

Section 5—Members unable to pay dues or assessments on account of unemployment, strikes, sickness or for similar reasons shall upon application to their financial secretary be furnished with exempt stamps. Provided, that no state or district organizations shall be allowed exempt stamps in a proportion greater than ten per cent of its monthly purchases of regular stamps.

(Testimony of William F. Hynes.)
(U. S. Exhibit No. 27—continued.)

Section 6—Members who are three months in arrears in payment of their dues shall cease to be members of the Party in good standing. Members who are six months in arrears shall be stricken from the rolls. No member shall pay dues in advance for a period of more than three months.

Article XII—Headquarters

Section 1—The National Hearquarters of the Party shall be located in the city designated by the Convention.

Article XIII—Qualifications

Section 1—Members of the Central Executive Committee, Executive Secretary, Editor, and all candidates for political office, must have been (a) members of the party for two years at the time of their nomination, or (b) members of a charter organization, or members of any organization affiliating as a body within sixty days after the first convention.

Section 2—One year's membership in the Party shall be necessary to qualify for membership in the District Executive Committee; six months for city central delegates and officers, three months (in the branch) for branch officers. This section shall not apply to branch officers or city central delegates of new branches.

[Endorsed]: U. S. Ex. No. 27. Filed Dec. 8, 1939.

(Thereupon, an adjournment was taken until two o'clock p. m., this date.) [127]

Afternoon Session

WILLIAM F. HYNES,

recalled.

Direct Examination
(continued)

Mr. Mercado: Q. Mr. Hynes, are you acquainted with Albert J. Bock? A. Yes, I knew him.

Q. When did you first meet him?

A. I have known him for several years, in Los Angeles; I think, around 1922 or 1923—I met him between 1922 and 1925—and 1926—around that time; 1922, 1925 and 1926, in Los Angeles.

Q. Do you know his occupation in Los Angeles?

A. He used to be with the Dyers and Cleaners Union. I met him in the headquarters of the Communist Party on the second floor of 224 South Spring Street.

Mr. Andersen: I move that the last part of the answer be stricken out as irrelevant, incompetent and immaterial, and outside of the issues.

Mr. Hennessy: This is one of the witnesses who subscribed to the petition of Mr. Schneiderman for admission to citizenship; and who stated that Mr. Schneiderman was a man of good, moral character for a period of five years prior to that time, and that he was attached to the principles of the Constitution of the United States. We propose to show

(Testimony of William F. Hynes.)

that both of the witnesses to this petition were members of the Communist Party.

Mr. Andersen: Might I further state that, so far as this proceeding is concerned, it does not make any difference what the witnesses to the naturalization were, whether they believed him to be of good character or not? If the Court proves its case in so far as the defendant is concerned, that is sufficient; and what somebody may have thought of Mr. Schneiderman at the time is outside the issues.

Mr. Hennessy: If your Honor please, the question here is whether a fraud was perpetrated on the District Court when [128] this man obtained a certificate of citizenship, and whether or not he was attached to the principles of the Constitution of the United States. We propose to show that not only was Mr. Schneiderman not attached to the principles of the Constitution of the United States but that the witnesses who swore that he was attached to the principles of the Constitution of the United States at the time were members of the Communist organization with which Mr. Schneiderman was connected. In other words, this is all part of the chain of fraud perpetrated upon the Court at Los Angeles when he was admitted to citizenship.

The objection will be overruled. I will allow the answer to stand.

Mr. Mercado: Q. Mr. Hynes, I will show you Government's Exhibit No. 2 in evidence; and direct your attention to the affidavit of the witnesses for

(Testimony of William F. Hynes.)

the petitioner, and ask you if that refreshes your recollection as to the address of Albert J. Bock.

A. Albert J. Bock, 2420 Brooklyn Avenue—He lived in Portal Heights,—that is East Los Angeles,—and the other witness also lived over there. I recall distinctly seizing a number of documents in which both witnesses' names appeared in the minutes of the meetings of the Young Workers League.

Mr. Andersen: I move this be stricken as not responsive.

The Court: It may go out.

Mr. Mercado: Q. Do you know whether Albert J. Bock was a member of the Communist Party of the United States, or associated with the Communist Party?

A. I know he was a member of the Young Workers League, and, I believe, a member of the Workers Party. I recall that, during the 1927 convention of the American Federation of Labor, which was held in Los Angeles—and I appeared as a witness before the executive committee of the American Federation of Labor—that he was a member of the Workers Party and of the Young Workers League. At that time, I understand the executive [129] committee——

Mr. Andersen: I move that be stricken as hearsay.

The Court: What he understands may go out. State the facts, whatever they may be.

Mr. Mercado: Q. Might I ask you this question:

(Testimony of William F. Hynes.)

During what period of time do you know Mr. Block to have been a Communist?

A. I knew, from conversation with him, from 1924 or 1925; I know, from minutes I have seen—his name appeared on the minutes of the Young Workers; in addition to that, I know, from reading in the Daily Worker,—the official publication of the Workers Party and Workers Communist Party, at that time, as it was known,—that his name appeared, along with that of Minnie Karasick and William Schneiderman.

Q. I will ask you: Did you know Minnie Karasick? A. Yes, I know her.

Q. Do you know her to have been a Communist or a member of the Workers Party?

A. Yes, I know her to be a member of the Young Workers League, not from any conversation I had with her, but through documentary evidence that I seized, with her name on it, in which she made statements that she was a member of the Young Workers League.

Mr. Andersen: I move that be stricken as not being the best evidence.

The Court: Yes, the objection will have to be sustained.

Mr. Mercado: Q. Have you any personal knowledge of Minnie Karasick having been a Communist?

A. Not other than what I have stated, through information and documentary evidence.

Q. For what period was she a member of one of

(Testimony of William F. Hynes.)

these Communist organizations to which you have testified?

A. From documentary evidence, from 1925.

Mr. Andersen: I move that be stricken; documentary evidence is not the best evidence. [130]

The Court: Read the question. (Question read by the reporter)

Q. You may answer, if you know.

A. Well, from knowledge of documnetary evidence in my possession——

Mr. Andersen: (Interrupting) I object to that.

The Court: You are entitled to the documentary evidence, if it is available.

Mr. Mercado: He has some of the documentary evidence available.

The Court: He is enttiled to the documentary evidence unless you show it is not available.

Mr. Mercado: Q. I will show you a card, No. 41, and ask you if you have ever seen that before.

A. Yes, I have.

Q. I will ask you whether or not you know that that is the membership of Minnie Karasick in any Communist organization, to which you have testified?

Mr. Andersen: To which I will object on the ground that the card itself is the best evidence of its contents.

The Court: The question is: if he recognizes her signature.

Mr. Andersen: I will stipulate that it is.

(Testimony of William F. Hynes.)

The Court: Very well.

Mr. Mercado: I will offer the card in evidence, your Honor.

The Court: Q. Do you know that that is her signature?

A. I do not know whether that is her signature or not; but that was taken from Communist headquarters.

Q. When?

A. I have got a mark in the lefthand corner. It was taken from the Communist headquarters at 322 West Second Street on the 8th month, 6th day, and the 27th year.

Mr. Mercado: I will offer this in evidence.

Mr. Andersen: I object to its introduction on the ground that it is immaterial, irrelevant and incompetent.

The Court: It may be admitted and marked. The objection is overruled.

(Card marked "U. S. Exhibit No. 28.")

[131]

Mr. Mercado: Q. I will ask you if Minnie Karasick, according to your knowledge, ever went by any other name. A. Yes.

Q. What other name did she use, to your knowledge? A. Minnie Carson.

Q. I will show you a red covered document here, and ask you if you have ever seen that pamphlet before.

A. Yes; that is the membership book of the

(Testimony of William F. Hynes.)

Young Pioneers of America.

Q. I will ask you: Who were the Young Pioneers of America; what character of organization was it?

A. It was a children's organization, for the education of children between six or seven and thirteen, I think.

Q. Did it have any connection or affiliation with any Communist organization?

A. Its activities were directed by the Young Workers League or Young Communist League.

Mr. Mercado: I offer this in evidence, your Honor.

Mr. Andersen: Same objection, may it please the Court.

Mr. Mercado: The witness has identified Minnie Karasick under the name of Minnie Carson.

The Court: I will allow it.

(Document marked "U. S. Exhibit No. 29.")

Mr. Mercado: Q. In connection with Government's Exhibit No. 28,—a card bearing the name of Minnie Karasick,—I will ask you if you know the organization the People's Educational League?

A. Yes, I know of it.

Q. What character of an organization was that?

A. It was a sort of a library.

Q. Did it have any connection with the Communist organization?

A. It was operated by the Young Workers League.

(Testimony of William F. Hynes.)

Q. Have you made a study of the Communist literature which you have collected over a period of years?

A. I have made a study of Communist literature in regard to certain respects, such as the [132] unlawful character of the organizations—My studies have included——

Mr. Andersen: I move that his answer be stricken as not responsive. The question is whether he made a study.

The Court: Q. Have you made a study?

A. Yes, I have.

The Court: Proceed.

Mr. Mercado: Q. In connection with your study of this literature, have you studied the program of the Communist Party?

A. I have studied the program only in so far as it was connected with——

Mr. Andersen: I move that this be stricken as not responsive.

The Court: We had better get the answer. I don't know what it is.

The Witness: A. (Continuing) —in so far as it was connected with Communist International and other organizations that were created and sponsored by the Communist party; but more particularly I was concerned, as a law enforcement officer, with the unlawful character—the unlawful advocating of force and violence.

Mr. Andersen: I move that that be stricken as

(Testimony of William F. Hynes.)

not responsive to the question.

The Court: The question and answer may stand. The objection will be overruled.

Mr. Mercado: Q. Might I ask you: Did you investigate the practices of the Communist Party?

A. Yes; I have had considerable experience with their tactics and practices.

Q. Did you make any study of the nature of the Communist doctrines?

A. In so far as they related, as I have said, to the advocacy of force.

Q. During the period of time that you were a member of the Communist organization, did you then study the program, practices and policies of the Communist Party? A. I did.

Q. And, subsequent to that time, have you continued your studies? [133]

A. I have, over a period of years, up until the present time.

Q. And have the practices and policies been changed in any considerable degree from the period when you studied them, as a member of the Communist organization?

A. In so far as the unlawful character of the organization, I would say it has not changed.

Mr. Andersen: Might I request that that be stricken as being the conclusion and opinion of the witness? He has not been qualified as an expert in any sense. The documents introduced in evidence would be the best evidence.

(Testimony of William F. Hynes.)

The Court: "The unlawful character" may go out. He may state the facts, whatever the facts may be.

Mr. Mercado: Q. Will you please tell the Court, from your studies while a member of the Workers——

Mr. Andersen: (Interrupting) May I ask that the witness and Mr. Mercado speak a little louder?

Mr. Mercado: Q. Mr. Hynes, will you please state, from your study, what the program, practice and policy of the Communist Party of the United States is, and what the policy of the Workers Communist Party, as it was known the earlier period of time, was?

Mr. Andersen: To which I will object, on two grounds: First, that the documents introduced in evidence would be the best evidence of the policies and program of such organization; and, secondly, that this witness is not qualified, nor do I believe he can qualify, on that subject.

Mr. Hennessy: I do not know why he is not qualified as an expert. Here is a member who was a member of this Party for a period since 1922; for 17 years, he has made a study of Communistic literature, practices and policies. If he is not qualified to testify, I do not know who is. Certainly, a member of the Party should be qualified; certainly, a law enforcement officer who, during a period of 17 years, has made a study of the practices they taught, and of the literature that they have dis-

(Testimony of William F. Hynes.)

seminated, ought to [134] know. If he is not qualified and does not know, I do not know who would be qualified.

Mr. Andersen: If I may state: In the first place, this witness has never been a member of the Communist Party.

Mr. Hennessy: He testified that he was.

Mr. Andersen: If we look at his testimony in the proper light, he was simply a stool-pigeon, sent into the organization for the purpose of doing spy work. He was not a member of the Communist Party.

Mr. Hennessy: The evidence is he was.

Mr. Andersen: His name was probably on the roll.

Mr. Hennessy: He attended meetings.

Mr. Andersen: He unquestionably was very prompt in attendance at the meetings and probably attended every one that he could. I have no quarrel with that at all; but here we have a man deliberately sent into an organization—of course, not for the purpose of doing the organization any good; but, being sent into the organization for one particular purpose, namely, that he do his best to detect some form of criminality in it; in other words, he had an appetite for only one thing.

The Court: I will permit you to examine fully, in that respect, when the proper time comes.

Q. What year was it when you first joined?

A. 1922.

(Testimony of William F. Hynes.)

Mr. Andersen: Might I reserve an exception?

The Court: Objection overruled. Read the question. (Question read by the reporter) He may answer what he knows, of his own knowledge.

The Witness: A. My studies, as I testified before, were concerned mainly as to the advocating or teaching of the use of force and violence. From this study, which included reading of various official publications of the Communist Party—— [135]

Q. (Interrupting) What publications?

A. The proceedings of the Communist International; the speeches and statutes of the Communist International; the program of the Communist International; various convention proceedings; "Why Communism?"; "Elements of Political Education," published by the Daily Publishing Company in 1929, written by a man by the name of Swedliff, or something like that; and one question in particular, in that particular publication——

Mr. Andersen: Might I object on the ground that the document named by the witness would be the best evidence of the contents?

The Court: You may develop it on cross-examination. It goes to the weight of the testimony. He is testifying to what he knows of his own knowledge or where he got that knowledge. You may develop that on cross-examination.

The Witness: A. (Continuing) —This question, in this particular book, "Elements of Political Education," question number 31, propounded this

(Testimony of William F. Hynes.)

question to the reader; it says: "In what way can the proletariat free itself from the yoke of capital?" And his answer was: "Only through violence by organized political party, the Communist Party." There is a book in evidence, "Acceptance Speeches of Foster and Gitlow——"

The Court: Are those books available?

Mr. Mercado: Some of them are in evidence.

The Witness: A. (Continuing) —"A B C of Communism," "Education of the Communist," "Imperialism in the Next War," "Election Program," "Platform of Crafts Struggle," I believe, in which Foster states specifically that the Communist Party create no illusion in the minds of the workers that they can vote their way to emancipation; that the only way to do is through the overthrow by violence and force—I could name possibly 30 or 40 additional Communist documents that I have in my brief case here; if I had the time to make reference to some other documents, I could give the exact page and exact quotation in the book wherein there is outlined [136] an advocacy of force and violence on the part of the Communist Party to bring about a change in our present form of Government.

Mr. Andersen: I ask that that go out as not responsive and being merely speculative.

The Court: It may go out.

Mr. Mercado: Q. Mr. Hynes, might I ask by what means does the Communist Party teach and

(Testimony of William F. Hynes.)

advise that the workers take control of the Government of the United States?

Mr. Andersen: May it please the Court, we are getting pretty close, as I see it, to the meat of the question before the Court. For this witness, who is admittedly not an expert——

Mr. Hennessy: We do not admit he is not an expert. We claim he is an expert.

Mr. Andersen: He admittedly is not an expert. For him to make statements, when the alleged statements are precisely contained in books, according to his own statement, I think is prejudicial to the defendant.

The Court: Are the books available?

Mr. Mercado: Might I say, in explanation as to this question that we are asking this witness, this witness has gained his knowledge from several different sources; one is from reading books which are before your Honor; we have put them in evidence. We cannot put in evidence all of the thousands of documents and pamphlets that the Communist Party have put out. This man has made a study of those writings. He has attended their meetings, as a law officer, and he has got knowledge from statements that have been made; he has observed their conduct; he has had investigations under his direction and under his control; also, he has been a member of the Communist Party, and studied the Communist program, during that period of time. Now, while the statements in the books are the best

(Testimony of William F. Hynes.)

evidence as to what those books show, nevertheless, from the background of the experience of this particular witness, he is testifying [137] from all of his experience as to what the Communist Party stands for. If he uses the identical language that is in the book, it not only shows that comes from the pamphlets that have been introduced in evidence but it is testimony that has been gained from outside of the books as a result of the investigation of the Communist Party. We say that this line of questioning is very relevant.

Mr. Andersen: Might I add a little further to my previous objection, your Honor?

The Court: Proceed.

Mr. Andersen: In the first place, as I understand the witness's testimony, he was only a member of the Communist Party a very short time in 1922.

The Court: That is one piece of evidence. He says he has been studying this for 17 years. I do not know whether he has or not.

Mr. Anderson: Neither do I. In any event, at that time he was a member for only two or three months; and since that time——

Mr. Hennessy: Eight months. Why not state the testimony?

Mr. Andersen: I do not know the exact number of months; and, since that time, his investigation has simply been that of a police officer, of an organization which is suspected of criminal tenets or criminal plans, and was investigating them partly from that standpoint. Now, Mr. Mercado

(Testimony of William F. Hynes.)
admits and the witness states that all of these statements of the Communist Party are contained in their writings, contained in pamphlets and books, or whatever the case may be. If they are, the best evidence rule should certainly apply, in order that they may be construed in the light of the entire documents, and not be given the prejudicial opinion of this prejudiced witnesses. So again, I renew my objection as far as this witness is concerned that he has not been qualified as an expert. I object to all of this testimony as not being the best evidence, and that it is also his opinion and conclusion. [138]

Mr. Kenny: If your Honor please, the question in this lawsuit is whether this party, Mr. Schneiderman, advocated force and violence; that is the heart of the thing. I would not be here representing him if I thought he did. If this case be tried in an orderly fashion, the question is whether that is in the book or is not in the book. I think we should follow the best evidence rule. We have not urged a great many objections; but it does seem to me that the orderly way to try this lawsuit is now to get the exact written language and not somebody else's interpretation of what he read a long time ago.

Mr. Mercado: May I not point this out: I have no doubt what the defense in this case is going to be. I have read considerable of these books. I have read all the books in evidence and a lot more; and

(Testimony of William F. Hynes.)

what the defense definitely does not want before this Court and what they are objecting to now is any testimony as to their practices which we have ferreted out and have obtained and have put before this Court as a result of their oral transactions and as a result of their program. Pure Marxism might be considered only as philosophy; it carries with it no action. We are before this Court on the proposition as to whether this defendant was attached to the principles of the Constitution of the United States. His conduct and the conduct of the organization and belief is very pertinent to show to this Court. That has been the investigation of Mr. Hynes. The actual practice and literature that they put before the people, the pamphlets that they distributed, their method of activity, is what we believe this witness has a right to testify to, under the issues of this case. There is no best evidence rule here. These documents speak for themselves. We are now bringing before your Honor testimony gained presently by the witness.

The Court: That is not in these documents?

Mr. Mercado: That is not in these documents.

[139]

Mr. Kenny: We do not object if plaintiff wants to show evidence of practices; but we are wandering away from the question, under the best evidence rule, as to what is contained in these books.

The Court: Let us listen to the question.

(Question read by the reporter)

(Testimony of William F. Hynes.)

Mr. Hennessy: There is nothing about the best evidence rule in there.

The Court: The Court is prepared to rule. I will allow the question, if the witness knows.

The Witness: A. From what knowledge I have gained as a member in 1922 and from what further knowledge I have gained from reading various official publications, published and circulated by the Communist Party, and from observation and actual contact with the activities of the Communist Party in the form of holding demonstrations, actions by the defense section of the Communist Party, their method of bringing about a change of the form of Government is one of force and violence.

Mr. Andersen: I ask that the answer be stricken on all of the grounds heretofore urged, may it please the Court; and on the further ground that there is no showing at the time mentioned, namely, 1922, that the defendant was even a member of the organization on that date.

Mr. Hennessy: He testified that he was. In 1922, he testified, he was organizer.

The Court: Let the question and answer stand. You may go into it on cross-examination, if there is any question about it.

Mr. Andersen: May an exception be noted?

Mr. Mercado: Q. From the same basis of your knowledge to which you have just testified, can you say what type of government the Communist Party advise be established in this country?

(Testimony of William F. Hynes.)

Mr. Andersen: The same objection: not the best evidence.

The Court: If he knows, he may answer. [140]

The Witness: A. From my knowledge, while a member and again from reading the various official publications over a period of years from 1922 up to the present time, they have declared their intention to establish a Soviet form of government in the United States, or a dictatorship of the proletariat.

Mr. Mercado: Q. Did you ever find, in any of your investigations or in any of the documents that you have read on Communism, an advocacy of a representative form of government?

Mr. Andersen: I object to that question.

The Court: The objection is overruled.

The Witness: A. The doctrine of the proletariat, as I recall from a reading of the documents and as explained, is: "Stand as strong as iron and give no quarter to the enemy whatsoever." It is the rule of the working class.

Mr. Mercado: Q. Do you know what the Communist Party advocates in connection with private property? A. Yes.

Mr. Andersen: We renew our objection heretofore made to this line of questioning, regarding private property.

The Court: The objection is overruled.

The Witness: A. They advocate the abolition of private property, the seizure of the tools of production, and concentrating them in the hands of the

(Testimony of William F. Hynes.)

state, without compensation; that is in the documents in evidence.

Mr. Mercado: Q. Do you know William Schneiderman? A. Yes, I know him.

Q. Is he in the courtroom? A. Yes, sir.

Q. Will you point to him, please?

A. He is the gentleman seated to the right of the counsel table.

Mr. Mercado: Will you stipulate that he pointed to the defendant?

Mr. Andersen: Oh, yes; let the record show it.

Mr. Mercado: Q. How long have you known him?

A. I have known [141] him, by reputation, for a good many years. I have known him, in Los Angeles, possibly three or four years. I knew him in the period from 1925 up to 1926 or 1927.

Q. Do you know, of your own knowledge, whether, in that period of time, he was a member of the Communist Party or of the Workers Party?

A. Yes, I do.

Q. Do you know what organization he belonged to?

Mr. Andersen: I think I shall object to this, since that is admitted in the answer.

The Court: Unless there is some other purpose, I think that is sufficient.

Mr. Mercado: Q. Have you attended any meetings at which Mr. Schneiderman attended and spoke?

(Testimony of William F. Hynes.)

A. I do not recall specifically any meeting that I attended where he was present or where he spoke. I do have a recollection of him speaking at an open forum; but I do not recall whether I was present or not. I have a recollection of his speaking at an open forum, on Spring Street; but I do not recall whether I was present or not.

Mr. Mercado: We will take a recess for a few minutes.

(After Recess)

Mr. Kenny: Is your Honor ready to proceed?

The Court: Yes.

Mr. Kenny: I wonder if the reporter might read the last question and answer?

(Record read by the reporter)

Cross Examination

Mr. Kenny: Q. You probably were not present?

A. I do not believe I was.

Q. As a matter of fact, whenever you attended a meeting, you never let anybody speak, did you?

A. Yes, I did, except when they would call me to the platform and make some derogatory statements to me; and I would step to the platform and make a statement, and the [142] meeting would break up in a riot.

Q. It would break up in a riot?

A. Yes, sir.

Q. Did your men never use force or violence in these riots? A. Yes, sir.

Mr. Hennessy: I object to that as not proper

(Testimony of William F. Hynes.)

cross-examination.

Mr. Kenny: I think it is. The gentleman has qualified as a political expert.

Mr. Hennessy: We submit it is not cross-examination; and that you should confine yourself to the direct examination.

The Court: Read the question. (Question repeated by the reporter) What riots?

Mr. Kenny: He testified, in his previous answer, that these meetings he attended frequently broke up in a riot.

The Court: Q. Communist meetings?

A. Yes, sir.

The Court: I will allow it.

The Witness: A. Yes; whenever it was necessary to meet force with force, in a situation of that kind, I did not hesitate to use it.

Mr. Kenny: Q. Is it Captain Hynes?

A. No; it is not.

Q. What is it? A. It is "Patrolman."

Q. You are now connected with the Homicide Detail; is that right? A. Yes, sir.

Q. And that has been for how long?

A. It is 2½ months, I believe.

Q. Before that, where were you?

A. I was assigned to the West Los Angeles Detective Division.

Q. You were assigned there immediately after the recall of Mayor Shaw; isn't that right?

A. Not immediately after; no.

(Testimony of William F. Hynes.)

Q. About how far is West Los Angeles Station from the Central Station?

A. It is quite a distance; it is not out in the sticks, however.

Q. As a matter of fact, the entire squad which you commanded,— [143] the so-called "Red Squad,"—was disbanded when Mayor Shaw left office, was it not?

Mr. Hennessy: We object to that as not being proper cross-examination.

Mr. Kenny: It goes to test both the credibility of the witness and his qualifications as an expert.

Mr. Hennessy: It does not test either one: his credibility or his qualifications. It is not germane to the direct examination and has no place in the case.

The Court: Read the question.

(Question repeated by the reporter)

Mr. Hennessy: We are not concerned with that, your Honor.

Mr. Kenny: There was testimony relative to the Red Squad, on direct examination.

The Court: I will allow the question.

The Witness: A. It continued to function for some months after Mayor Bowron took office. To be exact, it was disbanded on November 30, 1938.

Mr. Kenny: Q. Mayor Bowron took office in September, didn't he?

A. Around that time.

Q. You took some leaves of absence, didn't you,

(Testimony of William F. Hynes.)

out of those 28 years that you were a police officer?

A. Yes; I think I took one leave, of 8 months, which was cancelled and then given back to me.

Q. And you accepted private employment during that time, did you?

A. Yes, I did. However, I did not take the leave of absence to accept employment at that time.

Q. The private employment was with the street railway company during the time of the street railway strike down in Los Angeles, was it not?

Mr. Hennessy: I object to that on the ground it is not proper cross-examination.

Mr. Kenny: I think the political philosophy is. [144]

The Court: That is not involved here, unless you can point out the relevancy.

Mr. Kenny: I think your Honor ought to be given the background of the man.

The Court: I will have enough to do without going afield. Confine yourself to the issues of the case.

Mr. Hennessy: There is a proper way to impeach the witness.

Mr. Kenny: It is not impeachment. It is going into the qualifications of the witness.

The Court: The Court has ruled, gentlemen. Proceed.

Mr. Kenny: Q. Now, you testified at various times to having seized books. Under what legal process did you seize the books?

(Testimony of William F. Hynes.)

Mr. Hennessy: We object to that on the ground it is immaterial, irrelevant, and not proper cross-examination. We are not concerned with that.

Mr. Kenny: The defense certainly is. It goes precisely to this man's qualifications. He has testified to his conclusions as to the methods employed by the Communist Party; and certainly it would be relevant to determine how he went about discovering those methods.

Mr. Hennessy: This man is not on trial.

The Court: I will allow it; but limit it to the issues.

Mr. Kenny: It may be in addition for the purpose of the motion to suppress.

The Court: Proceed.

The Witness: A. These books which I testified were received in various raids were seized as evidence in connection with the arrest of persons on some charge of state syndicalism; and thereby it became incumbent upon me to take such books as would assist in sustaining the charge of criminal syndicalism.

Mr. Kenny: Q. Did you get any convictions on these criminal charges? A. Yes, we did. [145]

Mr. Hennessy: I object to that on the ground it is not proper cross-examination.

The Court: I do not think so; but I think the witness has answered the question.

Mr. Hennessy: I will withdraw the objection, in view of the witness's answer.

(Testimony of William F. Hynes.)

Mr. Kenny: Q. You seized other things besides books; you seized a camera on one occasion, didn't you? A. I did not.

Mr. Hennessy: Object to that as improper cross-examination.

The Witness: A. I exposed a film in a camera.

Mr. Hennessy: I would ask the Court to *administ* the witness not to answer before I make my objection.

The Court: I will sustain the objection.

Mr. Kenny: Q. Were you ever ordered to pay a judgment in civil damages for seizing a camera in connection with one of your raids?

Mr. Hennessy: I object to that as not proper cross-examination.

The Court: What is the purpose of that testimony?

Mr. Kenny: It goes, again, to the credibility of the witness and also as to his qualifications as an expert.

Mr. Hennessy: It cannot go to either one.

The Court: The objection will be sustained.

Mr. Kenny: Q. When did your interest in political philosophy begin?

A. I have no particular interest in political philosophy.

Q. Haven't you testified that you were familiar with the doctrine of the philosophy of Marxism, Leninism and Stalinism?

A. I testified that I was familiar with what I

(Testimony of William F. Hynes.)

termed the unlawful advocacy of force and violence on the part of the Communist Party.

Q. You read these books. Was that because of your interest in the Marxism philosophy?

A. No; not particularly. I told you, as a law enforcement officer, I was interested in any unlawful activities on the part of the organization. [146]

Q. You were not trying to make an impartial analysis of what was contained in the books?

A. As to philosophy, I never attempted to make any analysis of them.

Q. You read these books and you are familiar with the various phrases used, I assume?

A. I read portions and underscored those portions which, in my opinion, I felt had to do with force and violence or overthrowing of this system of government other than by lawful means provided in the Constitution.

Q. You are familiar with the terms employed by the writers of these books?

A. Some of the terms.

Q. Will you give the Court your definition of dialectic material in them?

A. I don't know as that is used in these books at all.

Q. You never saw it?

A. I have seen it in books. I have a definition in my briefcase, as opposed to historical material.

Q. What does "dialectic" mean?

A. I do not recall, specifically. I know it has

(Testimony of William F. Hynes.)

no bearing on any unlawful force and violence.

Q. Can you tell how dialectic material is opposed to historical material?

A. I can dig up those references and give you my exact definition from the book. I have it in my briefcase.

Q. I won't bother you to do that. But you do not profess to be an expert on the philosophy or on the matters contained in those books?

A. I never have professed to be an expert on any philosophy of Marxism or any other ism. I do profess to know, to be able to read and determine, when a book says that they use force and violence.

Q. You did not read the other portions of the book to find out what relation that might have to the context? A. In some cases.

Q. Did you read, in the course of your studies, the testimony of Harold Chapman Brown, Professor of Philosophy at Stanford University, given at the Bridges' hearing on Angel Island, now in published form? A. I did not read it. [147]

Q. Or the testimony of Walter Thompson, of Stanford University, given at the same time and now published?

A. The only reference I have to that is a reference in the newspaper that they testified.

Q. Have you read this book, "The People's Friend," by Earl Browder, published by the International Publishing Company?

(Testimony of William F. Hynes.)

A. I have not read it; but I know of the existence of the book.

Q. Have you read a book published by the International Publishing Company, "Fighting for Peace," by Earl Browder?

A. It is a recent publication; I know I have not read it.

Q. Have you read any of the following pamphlets by Earl Browder: "Unity for Peace and Democracy"?

A. I think I have read a part of it.

Q. "Social and National Security"?

A. I have glanced through that book.

Q. Have you read it from cover to cover?

A. I have not read any books from cover to cover that you have mentioned.

Q. You have not read any of the books that you have testified to from cover to cover, have you?

A. Yes; I particularly read Communist literature—those portions that advocated force and violence.

Q. You read for that limited purpose?

A. That was the main purpose.

Q. You were not attempting an academic study of the problem? A. No.

Q. You were reading in order to obtain evidence for a particular purpose; is that right?

A. Yes, sir.

(Testimony of William F. Hynes.)

Q. Did you read, "The 1940 Election, How the People can Win," by Earl Browder?

A. I have perused the book. I have not read it carefully.

Q. Did you read the "Democratic Front," of Earl Browder?

A. I read through that book.

Q. Did you find anything about force and violence in there?

A. I do not recall. [148]

Q. Did you find anything about force and violence in Earl Browder's book here, "Unity for Peace and Democracy"?

A. I do not recall whether there was anything on force or not.

Q. Have you read a pamphlet entitled, "Your Questions," by William Z. Foster?

A. I have not that book. I have a copy of it.

Q. Have you read, "The Resolutions of the 10th Convention of the Communist Party"?

A. I have seen that pamphlet.

Q. You have not read it? A. No.

Q. I assume, certainly, that you have read, "The Coming Struggle With Power," by John Streachey?

A. I have not.

Q. You testified that you knew Mr. Schneiderman, didn't you? A. Yes, sir.

Q. Did you ever see him employ force and violence in any way? A. I did not.

(Testimony of William F. Hynes.)

Q. Did you ever see any behavior on his part that brought him into conflict with the laws that you were enforcing, or any law down there?

A. Not to my knowledge.

Mr. Kenny: I think that is all.

Mr. Mercado: That is all.

Mr. Hennessy: The Government rests.

Mr. Andersen: Might I respectfully suggest to the Court that we be allowed, if possible, to have the balance of the afternoon and tomorrow to prepare our case, in order that it may go on in a systematic way? I believe, your Honor, that we will save a good deal of the time of the Court if the Court were to adjourn now and let us have tomorrow to prepare our case.

Mr. Hennessy: I have no objection.

The Court: You may go on Tuesday.

(Thereupon, an adjournment was taken until Tuesday, December 12, 1939, at 10 o'clock a. m.)

[149]

Tuesday, December 12, 1939

Mr. Kenny: If your Honor please, at this time, the defendant desires to move for a nonsuit. We desire to make a brief argument; it will not take more than five minutes of the Court's time.

I am assuming that the issue presented by the Government here is, in view of the fact that no testimony was presented as to the direct advocating of force and violence by this particular defendant —that the issue is that, at the time of his naturalization, he did not adhere to the principles of the Constitution in that he did at that time admittedly belong to the Communist Party; and I take it that it is therefore the Government's contention that the Communist Party was and is a party that advocates the overthrow of the Government by force and violence. I am assuming that is the issue, because one of the latest expressions of the Court was in the Strecker case, with which your Honor is familiar, before the Fifth Circuit Court of Appeals. You recall the Circuit Court held in favor of the alien and also that the Supreme Court did; but there was a dissent. Judge Sibley of the Circuit Court dissented to the ruling. And when I take this language from the opinion of the dissenting Judge, it is not like the usual situation of a dissent; but here is what Judge Sibley, in the course of expressing a belief that the ruling should be against the alien there, said:

> "No one doubts that the economic aims of communism may be lawfully promoted by a citizen or an alien in the United States so long as they are sought to be attained by peacable means. But the advocacy of attainment by force and violence is outlawed, because laying the foundation for treason."

So, I take it that it is the expression of our courts that the economic aims of communism or any other theory with which we may not personally have sympathy, may be advocated so long as it is advocated by peaceful means.

In this case, the Government has introduced as its exhibit a [151] constitution of the Communist Party adopted in 1934, Government's Exhibit No. 5. There are several other exhibits. It is our contention—and, if you will recall, we still have pending or we reserved the motion to strike—that these other documentary matters introduced were an attempt by the Government to impeach its own evidence; in other words, your Honor, after a reading and examination of the constitution of the Communist Party it was quite clear that it was against the tenets of their constitution to advocate any kind of change through forceful or violent means. As to the documentary evidence, we say that the Government has proved the defendant's case.

Now, as to the oral evidence given: First, the witness Humphreys, who testified precisely on the central thing. Of course, there is a lot of testimony about other things; but my contention is that the central issue here is whether or not the Communist Party officially advocates the use of force and violence. Here is what Mr. Humphreys said—which, instead of proving the case for the Government, proves the defendant's case: Mr. Humphreys, on page 60 of the transcript said:

"As far as the application of force and violence was concerned, the Communist Party took the defensive, and put the first users of force upon the capitalistic government; they claimed the capitalistic government would resist the establishment of the soviet system, through force and violence, and that the working class would be justified in using force and violence to establish the soviet system of society."

In other words, it is our contention that, on the only material part of the inquiry here, the witness Humphreys testified for the defense and not for the plaintiff.

Then, the other witness before this Court was Police Office Hynes from Los Angeles; and fortunately our own Circuit Court has [152] commented on the identical type of testimony given by this very same witness in ex parte Fierstein, 41 Federal 2nd, page 53. In that case, Judge Wilbur, referring to Police Detective William F. Hynes, in charge of the radical section of the bureau, who arrested the appellant, in response to a question by appellant's attorney, testified as follows—here is the question:

"Q. Is it your view that mere membership in the Communist Party is sufficient warrant for the deportation of the alien?"

His same testimony that he gave here:

"A. I don't know if I am qualified. I was

formerly a member of the Communist Party in 1922; and I would say that the knowledge that I gained in the party at that time, and reading the various documents, books and papers issued by the Workers Communist Party of America and the Communist International, I have no doubt but what in my mind but what the Communist Party is the party which believes in, teaches and advocates the overthrow of the Government of the United States and of all organized government by force and violence."

That is identical testimony to what he gave here.

"This statement in the evidence constitutes the only testimony before the District Court, or considered by the Board of Review in the Department of Labor, as to the character of the organization to which appellant admitted he belonged. The witness is evidently testifying to a conclusion which he has drawn from reading documents, books and papers. He does not even testify that these various documents, books and papers teach or advocate the overthrow of the government of the United States; his statement was, 'I have no doubt but what in my mind but what the communist party is the party which so believes,' etc. It will be observed that the witness is testifying as to the situation in 1922, whereas the arrest in this case was made seven years later, in 1929. This

evidence is [153] insufficient to justify deportation on the ground specified in the warrant."

They take up one further point that may be of interest to your Honor; and that is:

"The appellee seems to contend that the court will take judicial notice of the character of the Communist Party. No authority is cited in support of this contention. While the character of this organization has frequently been considered by the court, and in some very recent cases, the decisions in these cases are based upon the evidence adduced before the court with reference to the character of this organization, and the statements made in the opinions of the court with reference to that organization are based upon the testimony before the court, and in no instance has the court attempted to take judicial notice of the character of this organization."

Now, as we see it, there is not only a complete failure of proof; but, on the other hand, affirmative proof of what would necessarily be the defendant's contention should Mr. Schneiderman be called upon to put on a defense in this case; and so, therefore, we renew our motion for a nonsuit at this time.

The Court: Is it your position that the opinion of Judge Wilbur is controlling in this case?

Mr. Kenny: No. I think it is illustrative and it certainly should be of persuasive force.

Mr. Hennessy: May I be heard, your Honor?

The Court: Yes.

Mr. Hennessy: Counsel, if your Honor please, is in error as to what the issues are in this case. One of the most important issues in this case is whether this alien, during the probationary period of five years prior to the granting of his citizenship, behaved as a person attached to the principles of the Constitution of [154] the United States. That is the first issue.

The second issue is whether, during that period, he was a disbeliever in organized government.

The third issue is whether, during that period, he was affiliated with an organization that disbelieved in organized government.

The rule upon a motion for a nonsuit, of course, is whether there is any substantial evidence to support the case of the plaintiff. In this case, we not only have substantial evidence but, in my opinion, we have a preponderance of evidence that can be produced in a case of this kind.

The evidence in this case is that Mr. Schneiderman, beginning in 1922, connected himself with the Young Workers League, an organization professing communistic purposes, the objective being to bring about a communistic society; that he also was a secretary of the Workers Party, subsequently known as the Workers Communist Party.

At the time he filed his declaration of intention, and at the time he filed his petition for citizenship, in Los Angeles, he was an officer not only of the Young Workers League but also of the Workers Communist Party of the United States. Subsequently, he continued his affiliation with the Communist Party, and has been the organizer in the 13th District and now is, I believe, the secretary of the Communist Party of the State of California.

We have offered, under the rules sanctioned by the Circuit Court of Appeals in United States versus Tapolcsanyi, 40 Federal, 2nd, 256, and other cases, a number of books and circulars issued by the Communist Party to show what their aims and objectives are. We have also offered in evidence testimony of members of the Communist Party as to what the aims and objectives of the Communist Party are. A reading of these books will show that the purpose of the Communist Party is to establish a communistic society not [155] only in this country but in the world.

The constitution of the Communist Party offered in evidence shows affiliation with the Third International, having its headquarters in Moscow, Russia. It is in evidence that the Communist Party of the United States contributes money to the Third International, and that the Third International exercises supervision and control over the activities of the Communist Party of the United States.

The evidence from these books—the constitution

of the Communist Party of the United States further professes a belief in the policy of Marx and Engels, Lenin and Stalin. These books show that the purpose of communism is to establish a communistic society; that they have for their objective the destruction and abolition of private property; they have as their objective the abolition of all class distinction; they have as their objective what they term the establishment of a dictatorship of the proletariat,—that is, rule by the workers; a purely class rule, totally at variance with the representative form of government that we have in the United States.

It is our contention that, in bringing about the dictatorship of the proletariat,—which is a form of state which varies with the form of state in existence in the United States,—they advocate force and violence; and we believe that a reading of the books, the reading of the statements of Lenin and Stalin, a reading even of Marx and Stalin, shows they contemplate the use of force and violence to bring this about.

Now, if Mr. Schneiderman, during the five-year period, believed in the abolition of private property, if he believed in the abolition of classes, if he believed in the creation of a dictatorship of the proletariat, the rule in this country by the workers and by the workers alone, then, of course, he did not believe in the [156] principles enunciated in the Constitution, as it stood on the 10th day of June, 1927.

when he was admitted to citizenship, and when he took his oath of allegiance to this country.

I submit that, under the rules of evidence, it is shown conclusively that the Government's case has been sustained, regardless of the testimony of Mr. Hynes.

I might direct counsel's attention to another fact: The case that he cited was a deportation case; the Tapolcsanyi case was a cancellation case. The case to which I refer happens to be a deportation case. It is reported in 58 Federal, 2nd, 621, Fourth Circuit; Fourth Circuit Court of Appeals, Berkman v. Tillinghast. Mr. Hynes was a witness in that case. He testified practically along the lines that he testified in this case; he testified that he had been connected with the intelligence bureau of the police department of Los Angeles; he had been a member of the Communist Party or the Workers Party of America; that they are the same thing, and a part of the Communist International, which aims to accomplish a revolution in the United States by force and violence; he testified to the membership of the alien in this party.

Now, this type of evidence in this Berkman case was held properly admissible. I do not see why it should not be properly admitted. It is relevant. In fact, it is one of the best types of evidence that has been received, in the Tapolcsanyi case, 40 Federal, 2nd, 256, in the Third Circuit Court of Appeals, identically the evidence, practically the same evidence.

I submit, your Honor, that the Government not only has proved the substantive case but we have proved, in my judgment, a conclusive case against the alien.

Mr. Kenny: Of course, as far as that case which counsel just cited goes, we do have a Ninth Circuit case in which they state the testimony of the witness, Mr. Hynes, as to the contents of the [157] books and documents, was a mere conclusion and was insufficient to warrant deportation.

Now, I think that we have an entirely new issue injected here that I have not run across in any case, and, if that is so, it becomes very important for your Honor to rule upon it, either now or later; and that is this issue that, even if force and violence were not advocated, if the alien believed to the contrary of the existing form of law, later on his citizenship may be cancelled. As far as force and violence, that is an issue we are prepared to meet. The other issue is a new one.

Mr. Hennessy: It is created by the complaint in this case.

Mr. Kenny: May I complete my presentation?

Mr. Hennessy: Yes.

Mr. Kenny: If that is the case, here is our position: For illustration, I took an oath, when I was admitted to practice in the Federal Court about 15 years ago, that I would support the Constitution of the United States. At that time, I was vigorously opposed to a certain amendment of the Constitu-

tion; and I belonged to an association that had for its sole purpose the ultimate peaceful overthrow of that amendment to the Constitution. Now, 15 years later, can someone come around and take away my license to practice law because I, at that time, was opposed to the Eighteenth Amendment?

Mr. Hennessy: You are a citizen; you are not an alien.

Mr. Kenny: Then we come back to Judge Sibley's statement in which he stated, in this dissenting opinion that I read to the Court, that a citizen or an alien may advocate—I have his language here; it is found at 96 Federal, 2nd; page 1021, where the opinion states:

> "No one doubts that the economic aims of Communism may be lawfully promoted by a citizen or an alien in the United States, so [158] long as they are sought to be attained by peaceable means. But the advocacy of attainment by force and violence is outlawed, because laying the foundation for treason."

Mr. Hennessy: That is a deportation case.

Mr. Kenny: That is a deportation case. I still do not see the distinction.

Mr. Hennessy: You do not? A citizen, in order to be admitted, has to be attached to the principles of the Constitution of the United States.

Mr. Kenny: Would you contend that an alien who, at the time he was naturalized, was opposed to

the Eighteenth Amendment, could have his papers now cancelled?

Mr. Hennessy: I would say "Yes." I will cite to you the case of United States versus Tapolesanyi, 40 Federal, 2nd., 255; an appeal from the District Court of the United States for the Western District of Pennsylvania; an opinion by Circuit Judge Woolley. I will read this decision; it is not very long; I think it covers the issues perfectly in this case (reading.)

In this case, Mr. Schneiderman was an alien. He had to subscribe to the Constitution as it stood on the 10th day of June, 1927, without any reservation as to other amendments that might possibly take place in the future.

Mr. Kenny: I think that case illustrates the difficulty we have in this kind of cases; in other words, here, in this case, there was a defendant who was perfectly willing to put a bullet through somebody else, and also a definite and unwarranted letter; and we can understand how any court would act upon that; but, as we have pointed out, we are not bound by that decision; it is not even in this Circuit; and I do not think your Honor is going to act. [159]

Mr. Hennessy made a very startling statement. He said, in response to my question, he believed that an alien who did not believe in the Eighteenth Amendment and thought it ought to be changed, at the time he was naturalized, is now subject to cancellation. I do not think your Honor is going to agree with Mr. Hennessy on that.

The Court: Is the matter submitted?

Mr. Hennessy: I will submit it.

Mr. Kenny: Yes.

The Court: For the purpose of the record, the motion will be denied.

WILLIAM SCHNEIDERMAN,

respondent, recalled in his own behalf; previously sworn.

Mr. Andersen: Your Honor, before we proceed with the taking of testimony, I would like to renew the motion heretofore made on which objections were reserved; or may the matter be reserved until the final submission of the case?

The Court: It may be reserved; but, if you want the Court to rule now, the Court will do it.

Mr. Andersen: I do not believe it is necessary. I think it probably would be better to reserve it until the submission of the case.

The Court: Very well.

Direct Examination

Mr. Andersen: Q. How old are you, Mr. Schneiderman? A. Thirty-four.

Q. When did you first come to Los Angeles—how old were you at that time?

A. Thirteen or fourteen years old.

Q. Thirteen or fourteen years of age?

A. Yes, sir.

(Testimony of William Schneiderman.)

Q. What schooling did you have in Los Angeles?

A. I graduated [160] from night high school and went, for about 2½ years, to the University of California at Los Angeles.

Q. Up until the time that you became 21 and just prior to the time that you became a citizen, will you briefly narrate the environment of yourself and your family,--for 10 years previous to that time?

A. My father was a garment worker; and I lived under poverty-stricken circumstances; I had to go to work as a newsboy at the age of 12, and it was during those years that I began to question certain things about existing social conditions which showed such a contrast between wealth and poverty. That, together with my studies at school in political science and history and philosophy, let me to a study of the principles of Marxism. I joined the Young Workers League when I was about 16 years old, with the idea of investigating and studying what the principles of communism had to say about the conditions of society, as I saw them. During the period in question—that is, between the age of 16 and 21, I considered that my membership and activities in the Young Workers League and in the Party were only in an attempt to investigate and study the causes and reasons behind the social and economic conditions under which I lived and as I saw them.

Q. You became a citizen practically on your 21st birthday?

(Testimony of William Schneiderman.)

A. Yes; I applied at the age of 18, and as soon as I was 21 I received citizenship.

Q. During all of the time prior to your becoming a citizen, you were going to school; or during most of the time?

A. Yes; I was also working; I was working my way through school.

Q. I want to ask you a specific question: While you were a member of the Young Workers League and the Communist Party, just what type of positions did you hold—and I refer to the letters signed by you, which are in evidence—one of them being Exhibit 20, and the other, Exhibit 21; another, 22; another, 23, another, 24; and another, [161] 25; all of which show you to be some sort of secretary. Would you explain just what type of positions you held at that time in either the Young Workers League or Young Workers Party—and, when I refer to "Young Workers League" or "Communist Party," I mean the Young Communist League and the Communist Party were predecessors in interest; in other words, for the purpose of this examination we can simply refer to the Communist Party or the Young Communist League, and that will also take in their predecessors in interest.

A. As secretary of the party, I was simply the corresponding secretary; I wrote down the minutes and sent out communications for meetings.

Q. Of course, when you were a boy and when you signed yourself as "Secretary," you were not

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secretary of the Communist Party, such as you are today? A. No.

Q. What was the difference, for instance, between your present position in the Communist Party and the type of work you did at the time you signed these letters?

A. It was not an executive position or one in which I was an executive officer,—such as being spokesman for the organization. It was more or less a clerical job, of taking minutes and writing letters. As a matter of fact, I do not think that, at the age of eighteen, I probably was fully qualified to be the spokesman of the party. I considered myself more or less a student of Marxism rather than executive officer of the party.

Q. In other words, in the former years, you considered yourself a student and you were studying the subject of Marxism or Leninism, just as you studied various other things, pursuing your studies in philosophy or sociology at the University and other places; is that correct?

A. Yes, sir. I was also educational director of the Young Workers League; but I was not an instructor of the classes that were organized. My job was to register students in the [162] classes and send out notices for meetings; in other words, to organize the educational activities of the League for which instructors were supplied; I did not instruct them, myself.

Q. In other words, you were simply doing the

(Testimony of William Schneiderman.)

necessary clerical work, in order to get the classes organized for somebody else to teach; is that it?

A. That is about it.

Q. Now, in the five years prior to 1921, as a matter of fact, over the years prior to your becoming 21 years of age and prior to the year 1927, had you ever been arrested for anything at all?

A. No.

Q. Had you ever before the Juvenile Court?

A. No.

Q. In other words, during all of that time, as far as you know, you deported yourself as a citizen of the United States should; is that correct?

A. That is correct.

Q. Was there any time during those years up until the time you were 21 years of age where you were subject to the censure of any of the law-enforcing agencies of the United States?

A. No.

Q. Now, in this case, you are accused principally of one thing, and that is that both you and the Communist Party advocate, teach or advise or teach, advocate and advise the overthrow of the Government of the United States by force and violence; and that specifically prior to the time you became a citizen you believed in those advocacies and teachings. Now, prior to the time you became a citizen, did you ever, yourself, —I mean, personally, —believe, teach or advocate any of the

(Testimony of William Schneiderman.)

things of which you are accused in the complaint on file—Just answer that "Yes" or "No."

A. No.

Q. And, so far as you know and as a result of your studies and prior to the year 1927, when you became a citizen—so far as you know, did you believe or did you know that the Communist Party advised, or its predecessors in interest, believed or advocated any of the things alleged in the complaint on file herein?

A. I did not believe that the Communist Party believed in that. [163]

Q. At the time of your citizenship—when you filed your declaration of intention, and at the time that you filed your petition for naturalization—both of those documents being in evidence and being marked, respectively, Government's Exhibits Nos. 2 and 3—did you, at that time, fully, freely and honestly answer all questions that were propounded to you by any Government officers?

A. Yes, I did.

Q. And without mental reservation of any kind?

A. Without any reservation.

Q. Now, with respect to this question of force and violence, Mr. Schneiderman, will you state to me and to the Court your views and the views of the Communist Party in relation thereto?

A. I would like to make a rather extensive statement of my views and opinions, which are also the

(Testimony of William Schneiderman.)

opinions of the state committee and the national committee of the Communist Party of the United States of America.

The Government's suit contends in effect that mere membership in the Communist Party is sufficient to deny an alien the rights and status of citizenship, or to forfeit the citizenship and rights of one who at the time of naturalization was a member of the Communist Party, on the grounds that such membership constitutes membership in an organization that advocates the overthrow of the United States Government by force and violence. No commission of an overt act has been charged against me or the Communist Party. The Government charges fraud in that I did not state my membership in the Communist Party at the time of application for naturalization and at the time of naturalization. The Government further charges that as a member of the Communist Party I was not and could not be attached to the Constitution and laws of the United States.

I deny all these charges. I deny that I or the Communist Party of which I am a member advocates or has advocated the overthrow of [164] the United States Government by force and violence. I deny that I have in any way committed fraud when I obtained naturalization. I deny that I am not or was not attached to the Constitution, Government, laws and all democratic institutions of the United States. At the time of naturalization, I

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truthfully stated that I was not an anarchist. I truthfully stated that I was not opposed to organized government and that I was not a member of an organization opposed to organized government. At the time of naturalization I did not state my membership in the Communist Party because I believed at that time, and still believe today, that it is not an organization opposed to organized government, nor is it an organization that advocates the overthrow of the United States Government by force and violence, nor is it an organization incompatible with the obligations of American citizenship. I insist that I undertook the obligations of citizenship in good faith and that prior to my naturalization and since, I have lived up to those obligations.

The Communist Party, in which I admit membership at the time of naturalization, is and was at that time a legally recognized political party, having run and still running candidates for president, governor, major, Congress and other local, state and national offices, and at this time has a place on the California ballot in accordance with the laws of the State of California. I have been a candidate for governor on the Communist Party ticket in the State of Minnesota in the year 1932, and I am now the duly elected secretary and a member of the State Central Committee of the Communist Party in accordance with the laws of the State of California which govern such political procedure.

(Testimony of William Schneiderman.)

The program, principles and practice of the Communist Party of the United States of America is officially stated in the constitution of and by-laws of the Party, adopted by the Tenth [165] National Convention of the Party in May, 1938, and subsequently ratified by a referendum vote of the Party membership. The Party's constitution is the official expression and codification of the program, principles, and practice of the Communist Party from the time of its organization to date. This is the first and only written constitution ever adopted by the Communist Party as the official expression of its program and as such ratified by its national convention and by a vote of the membership. Prior to the time of its adoption the Communist Party operated without a written constitution all through the earlier years of its existence. On numerous occasions there were drafts of constitutions submitted to conventions and offered for the study and discussion of the membership. None of these drafts were ever finally adopted by any Party convention or by the Party membership because none of these drafts were ever considered as satisfactory or as correctly reflecting the attitude of the Communist Party in America toward American conditions. Another reason that no Party constitution had ever been finally adopted prior to 1938 was that the Communist Party in its early formative years was not completely unified as to its program or interpretation of its program, and was rent by factional

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struggle within the Party which made impossible at that time the formulation and adoption of a unified program. All documents, declarations and writings during the early years when the Party was in a formative period were considered and are considered as contributions to discussion or study, or as individual interpretations of the principles of Marxism and Leninism which form the basis for the theory and practice of the Communist Party of the Unite States of America. No writing, speech, declaration or document which was or is in conflict with the basic principles enunciated in the Constitution of the Party were or are binding on the Party, its subdivisions, or its membership. I have never [166] considered as binding upon me as a member and official of the Party any doctrines which are in conflict with the principles enunciated in the Constitution of the Party. My understanding and interpretation of the program, principles and practice of the Communist Party ever since I joined the Party were and are essentially the same as those enunciated in the present constitution of the Party. I quote the following pages from the constitution of the Communist Party of the United States of America, which I consider pertinent to this case:

"Preamble

"The Communist Party of the United States of America is a working class political party carrying forward today the traditions of Jefferson, Paine, Jackson, and Lincoln, and of the

(Testimony of William Schneiderman.)

Declaration of Independence; it upholds the achievements of democracy, the right of 'life, liberty, and the pursuit of happiness,' and defends the United States Constitution against its reactionary enemies who would destroy democracy and all popular liberties; it is devoted to defense of the immediate interests of workers, farmers, and all toilers against capitalist exploitation, and to preparations of the working class for its historic mission to unite and lead the American people to extend these democratic principles to their necessary and logical conclusions:

"By establishing common ownership of the national economy, through a government of the people, by the people, and for the people; the abolition of all exploitation of man by man, nation by nation, and race by race, and thereby the abolition of class divisions in society; that is, by the establishment of socialism, according to the scientific principles enunciated by the greatest teachers of mankind, Marx, Engels, Lenin, and Stalin, embodied in the Communist International; and the free cooperation of the American people with those of other lands, striving toward a world [167] without oppression and war, a world brotherhood of man.

"To this end, the Communist Party of the United States of America establishes the basic laws of its organization in the following Constitution.

(Testimony of William Schneiderman.)

"The Pledge of Membership

"I pledge firm loyalty to the best interests of the working class and full devotion to all progressive movements of the people. I pledge to work actively for the preservation and extension of democracy and peace, for the defeat of fascism and all forms of national oppression, for equal rights to the Negro people and for the establishment of socialism. For this purpose, I solemnly pledge to remain true to the principles of the Communist Party, to maintain its unity of purpose and action, and to work to the best of my ability to fulfil its program."

"Article VI—Rights and Duties of Members.

"Section 1. The Communist Party of the U. S. A. upholds the democratic achievements of the American people. It opposes with all its power any clique, group, circle, faction or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy whereby the majority of the American people have obtained power to determine their own destiny in any degree. The Communist Party of the U. S. A., standing unqualifiedly for the right of the majority to direct the destinies of our country, will fight with all its strength against any and every effort, whether it comes from abroad or from within, to impose upon our people the arbitrary

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will of any selfish minority group or party or clique or conspiracy."

"Article X—Disciplinary Procedure.

"Section 5. Party members found to be strikebreakers, degenerates, habitual drunkards, betrayers of Party confidence, provocateurs, advocates of terrorism and violence as a method of Party [168] procedure, or members whose actions are detrimental to the Party and the working class, shall be summarily dismissed from positions of reponsibility, expelled from the Party and exposed before the general public."

"Article XI—Affiliation.

"The Communist Party of the U. S. A. is affiliated with its fraternal Communist Parties of other lands through the Communist International and participates in International Congresses, through its National Committee. Resolutions and decisions of International Congresses shall be considered and acted upon by the supreme authority of the Communist Party of the U. S. A., the National Convention, or between Conventions, by the National Committee."

Any documents, writings, or speeches in conflict with this official declaration are not and never have been binding on the Party or any of its subdivisions or its members. The Communist Party of the United

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States of America has frequently been accused, as charged in the present Government suit, with advocating force and violence, or advocating the overthrow of the United States Government by force and violence. The basis of these accusations and charges are alleged to be quotations from writings of a whole school of thought known as Marxism, Leninism, or Marxism-Leninism. The accusations and charges misinterpret and distort the position of the Communist Party and its members in two ways: first, by taking a quotation out of its context without regard to the rest of the context and without regard to the historical conditions and forces in existence at the time the quotation was written or in relation to the period about which it was written, and without regard to the country or countries about which it was written and without regard to the fact that such writings or quotations are generalized theoretical conclusions about general world affairs.

The Court: We will take a recess for a few minutes. [169]

(After Recess)

Mr. Kenny: Might I interrupt? I have the consent of my client to be absent from court this afternoon; and, if it is satisfactory and agreeable to the Court, I would like to ask that I might leave about a quarter of twelve, to be absent today and be back tomorrow.

(Testimony of William Schneiderman.)

The Court: Very well.

The Witness: A. (Continuing)

The second way in which these writings or quotations are misinterpreted in so far as the principles of the Communist Party and its members are concerned is by accepting in toto the individual interpretations of the author or writer as the official position of the Communist Party. While such writings may be and are regarded as contributions for discussion and study, as interpretations of the theory and practice of Marxism and Leninism, these writings may be and are at times in conflict with the principles and generally accepted practices of the Communist Party and its members, and these writings may distort the true position of the Party. Thus, by these means, it is possible to read into a phrase, a quotation, or even a whole book or document, interpretations contrary to the principles and practices of the Communist Party, by those who do not understand the philosophy and political theories of Marxism and Leninism and its application by the Communist Party of the United States of America.

The program, principles and tactics of the Communist Party are based on a scientific analysis of society and historical development in the past and present, and based on this analysis a perspective of society and historical development in the future in accordance with the teachings of Marx and Lenin. Marxism-Leninism is a science which embodies a whole series of economic, political, sociological,

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moral, and philosophical concepts, and a method of seeking and applying human knowledge to the needs of society. It looks upon [170] historical changes from one system of society to another as a fundamental law of the development of human society. It believes as inevitable the transition from the present capitalist mode of production and form of society to socialized production or socialism, and eventually communism. It bases this belief on historical experience, on the development of society from the early days of primitive communal life to the time when society was divided into classes, after which it went through the stages of chattel slavery, feudalism and serfdom, into capitalism and its highest stage, imperlialism. It believes the mode of production of a particular historical period, the way men make their living, determines the political forms and the ideology of that period which only reflect the economic base of that particular society, and that when the economic relations change, the political forms and ideology which are only a reflection of those relations, change accordingly. It sees society in each period divided into classes, one, the ruling class dominating over the others; the oppressed class, with the state as the instrument of the dominant class in power to assert its rule over the subjugated class. It sees a conflict in interest which inevitably results when the economic relations have ripened for the next historical stage in a transfer of power to the formerly subju-

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gated class, which sets the stage for the reorganization of society on a new and higher level such as from slavery to feudalism, from feudalism to capitalism, from capitalism to socialism. Revolution is a historical process in the evolution of society which reflects the change in the relation of forces at its most acute stage when a new class comes to power and is the inevitable result of social forces at work, and not the brain child of individuals or groups. This is the essence of what Marx and Engels called the "materialist conception of history," or historical materialism, which is a basic tenet of [171] Marxism and Leninism.

Revolution and force is looked upon by the Communist Party and its members as a historical fact, as a process inevitably rising out of the conflict of social forces and classes, when a minority representing the old order or an out-moded class subjugates a majority and does not permit any peaceful means of eliminating oppression. History is replete with such examples and this is recognized not only by Marxists but is generally accepted by many modern historians and political scientists. Such examples include the revolution of 1649 in England, the French Revolution, the American Revolution of 1776, the Civil War of 1861, and the Russian Revolution of 1917. The recognition of such historical facts and processes is therefore not limited to Communist doctrine. The Declaration of Independence upon which our own country was

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founded, and the writings and speeches of Thomas Jefferson and Abraham Lincoln defend the right of revolution and the use of force by the majority. No one has ever declared that these doctrines enunciated in the Declaration of Independence and by Jefferson and Lincoln were in conflict with the Constitution of the United States. The Bill of Rights was added to the Constitution in order to remove all doubts as to the rights of American citizens and all the people to the freedom of opinion and we Communists believe that we are fully within the rights guaranteed by the Constitution in enunciating the same general principles as Jefferson and Lincoln. We further believe that in enunciating these principles we are no more in conflict with the Constitution and laws of the United States of America than were Jefferson and Lincoln, and we deny that the enunciation of our principles constitutes the advocacy of the overthrow of the Government by force and violence or the use of force and violence.

The Communists do not desire the use of force and violence. We desire and strive for peaceful and democratic means of removing [172] exploitation and oppression. But the Communists know from a study of history that no ruling class or dominant group has ever given up its privileges or its power without resistance by legal or illegal means, and by the use of force and violence against the majority even when that majority has come into

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power by peaceful and constitutional means. The Civil War of 1861 is an example of such defiance and armed resistance on the part of the slaveholders against the constitutional majority which won the elections in 1860. The most recent example is that of the Spanish Republic, where a constitutional majority was overthrown by violent armed uprising brought about by the defeated minority, the landlords, capitalists and monarchists. After they lost the elections in February, 1936, this minority of landlords, capitalists and monarchists called on foreign armies to invade the country and assist the rebel troops to overthrow the lawfully constituted government of the Republic of Spain; after which overthrow, the new regime was immediately recognized by the United States Government. All history is replete with such examples of the use of force, both on the part of the dominant class or group in power against the people, or on the part of the people against an exploiting minority in power when peaceful democratic means have failed or were no longer open to them. Under a fascist dictatorship such as exists in Germany, for example, even the political parties that do not want to change the capitalist system of economy and have in the past under the pre-Hitler democratic republic abhorred the very word "revolution," have, since their suppression, given their support to a program of bringing about a people's revolution in Germany and the reestablishment of a democratic republic which obviously could only

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come about by the violent overthrow of the fascist dictatorship.

Marx and Engels in their day believed that under certain [173] conditions it would be possible for socialism to be established by peaceful means in democratic countries where the ruling or dominant class had not developed the same methods of repression against the majority of the people such as existed in the autocracies of the period like Prussian and Czarist Russia. More recently, the Communist Party of Spain which supported the government of the democratic republic before Franco came into power, believed that if the lawful democratic republic could survive the rebellion, under the post civil war conditions it was possible for a peaceful development to socialism. Lenin believed that at a certain stage of the development in Russia in 1917, a peaceful path to the revolution was desirable and possible. These examples are given in order to prove that Marxian principles do not automatically assume the use of force. A Marxist does contend, however, that generally the ruling class or minority group in power uses force against the majority of the people, and that all historical experience leads us to believe that they will continue to use force. Any counterforce that has been used by the majority of the people against forceful suppression by the dominant group is historically justified not only by the Communists but by the most eminent supporters of the capitalist order of society, especially

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the representatives of the new rising class who played a progressive and revolutionary role in their struggle against feudalism and the establishment of a new and higher order of society, capitalism, together with its political form, the democratic republic. Marxist and Leninist writings are replete with polemics against those who are variously referred to in different countries as reformists, social democrats or socialists, who defended the theory of the peaceful development into socialism, disregarding all historical experience that no representatives of an old order or minority group in power have ever given way peacefully to a new order or system of society representing [174] the majority of the people. Those who accuse the Communist Party of advocating the overthrow of the government by force and violence often take quotations out of the context of these polemical writings without regard to the rest of the context or to the intent of the authors to defend certain theoretical conclusions. Our theory is so interrelated that no single part can be understood apart, without its relation to the whole. They seize upon certain phrases which have become classical terms in the terminology of Marxism and Leninism, such as the "dictatorship of the proletariat," which refers to the historical role of a particular class in society at a particular stage in the transition from the capitalist system to a socialist system, or, as Lenin put it, "Not a form of government, but a state of things":

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and they read into this phrase a dictatorship of a group or party over a government or over the people.

One of the recognized authorities of Marxism-Leninism, Joseph Stalin, polemized in his speeches and writings against the conception that the dictatorship of the proletariat as a class meant the dictatorship of a party. The critics of the Communist Party program also seize upon such phrases as "overthrowing capitalist social conditions," or "existing social conditions," and read into it the meaning of overthrowing or destroying the Government, which does not and never did express a principle of Communism. By this reasoning, anyone who spoke about the abolition or destruction of poverty or unemployment could be accused of advocating the overthrow of the government by force and violence. Our critics likewise seize on the phrase, "abolition of private property," and read into it something unlawful or unconstitutional. By this reasoning, anyone who advocated public ownership as opposed to private ownership of public utilities or other public services could likewise be accused of advocating unlawful principles. The Communists do not believe in the abolition of all private property. We believe in the [175] retention of personal property for personal use, and the retention of income from work or savings; but we do advocate the social ownership of the means of production and exchange which otherwise in private hands become

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the instrument for the exploitation of the many by the few. Another misinterpretation of our principles arises from the indiscriminate manner of defining political forms of government as distinct from social and economic conditions out of which they arise, and as distinct from economic systems of society. Furthermore, those who misinterpret Marxism fail to distinguish between what we generally refer to as propaganda slogans and slogans of action, propaganda slogans being those which are used for educational and propaganda purposes to express in concise form some theoretical or political conclusion of Marxism-Leninism, and a slogan of action being one which we urge upon the people as a course of immediate action or for immediate adoption. For example, a propaganda slogan would be Lenin's phrase, "Through democracy to socialism; through socialism to the highest and most complete form of democracy." A slogan of action would be, "For higher wages, shorter hours, the right to organize, strike, and collective bargaining." And finally, an incorrect interpretation of our position arises from the false assumption that the theory and practice of Marxism and Leninism is a static dogma rather than a living philosophy and science which by its very nature changes and develops in accord with changing conditions of society, and the application of which is flexible in accordance with the particular historical period of the country to which it is applied. One of the

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fundamental tenets of Marxism and Leninism is that within its general theoretical and political conclusions its application must necessarily vary in each country in accordance with the specific national characteristics of that country and its own peculiar historical traditions and development. Revolution cannot be imported to one country from another. [176] Neither can it be imposed on any people or any country by the arbitrary will or advocacy or incitement of any group or party. The transformation of society from one stage to another has taken place in different ways in different countries within the general laws defining historical development. Its reorganization on a socialist basis will likewise have different characteristics, forms and methods within these general laws in each country in accordance with its own special characteristics. Any attempt to draw a mechanical comparison between America and other countries would be contrary to our whole method of Marxist-Leninist analysis.

That is why we reject the charge that the Communsit Party of the U. S. A. and its members are subject to orders or instructions from the Communist International, as contrary to the teachings of Marxism. Our Party constitution declares that the supreme authority in the Communist Party is its National Convention, and between conventions, its National Committee. We are affiliated with the Communist International, but we are not obliged

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to carry out decisions of the Communist International. We have never passed upon or approved either the statutes or program of the Communist International, and do not consider ourselves bound by any of its constitutional provisions or by any decisions which we do not make ourselves or approve. Our affiliation to the Communist International took place under the express provision that we are not subject to and exempt from the 21 conditions for admission to the Communist International, which it adopted in 1920 and applied to that particular period, and that we are not bound by its statutes. Since the time of our affiliation, the statutes and program of the Communist International have been modified from Congress to Congress, but we have never changed our status of affiliation, as the question of the statutes became an academic question relegated to the field of theory; and they were only of importance at the formative stage of the Communist International in 1919 and 1920, before [177] the Workers Party of America (now the Communist Party) was formed. Our Party always operated under its own rules and program, which were finally codified and adopted in written form in 1938.

The aim of the Communist Party of the United States of America and its members is to educate and organize the American people, and particularly the working class, which includes all those who labor by hand or brain, to an understanding of the nature

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of capitalist society and of the experience of history in all social, political, and class struggles of the past in order that they may better understand how to defend their own interests at present and on the basis of their learning, from their own experience, to win the majority of the people to the principles of socialism as embodied in the program and principles of the Communist Party. We deny that there is anything in our program or practice which is in conflict with the progressive democratic and revolutionary American traditions and institutions. We speak of ourselves as a working class political party because we believe that every political party represents the interests of a class or group in society, and we believe that we represent the interests of the working people who make up the majority. I quote the following from "The Democatic Front for Jobs, Security, Democracy and Peace," by Earl Browder, pages 88 to 93, which sums up in clearest form our belief that there is no contradiction between democracy and socialism:

> "We must address ourselves, however, to those friends and potential allies within the democratic camp, who in a different form entirely see a contradiction between the Communist support of the democratic program today and our aspirations for socialism tomorrow; who see in socialism itself—actual socialism, not the reactionary bogeyman—something alien to the democratic tradition of Americanism. We

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need to make clear to them, and to ourselves, the true relation between the preservation of democracy today and the [178] achievement of socialism tomorrow.

"For the avoidance of all misunderstanding, now and in the future, let us make clear beyond the slightest doubt that the Communist Party is in no way weakening or abandoning its goal of the complete realization of socialism for America at the earliest possible moment, which means as soon as socialism gains the support of the majority. Because of this fact, and not, as some seem to think, despite it or refuting it, we are the most consistent and loyal sector in the democratic front. In our loyalty to socialism lies the key to our loyalty to the democratic front.

"Our slogan, which we take directly from Lenin, is this: 'Through democracy to socialism; through socialism to the highest and complete realization of democracy.'

"Our program for socialism is organically linked up with, is a necessary outgrowth from the traditional American democracy as founded by Thomas Jefferson, whose political descendants we are. Let those who try to set off Jefferson against Marx, Engels, Lenin and Stalin, who see in socialism something 'imported from abroad,' as 'alien,' be reminded that, in the same sense, Jefferson was also 'importing' the

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theories of democracy from Europe to America, where they found their first and best realization of that period. Jefferson's greatness arose directly from his all-embracing search through the entire world of thought for the best from everywhere, from all lands. Just as America's people became strong and great because it was compounded of the most vigorous and dynamic vanguard drawn from all countries of the Old World, so American democratic philosophy and program were fed by the best thinkers of all the world, and were able to give leadership to the whole world because of that fact. We are following closely in Jefferson's footsteps, therefore, when we reject all narrow nationalism of thought and program, when we range the whole world to find the best [179] from everywhere. Like Jefferson, we believe that America is entitled to the best of everything, whatever its point of origin.

"What was the essence of Jefferson's democratic ideas, which formed the fundamental American tradition? It can be summed up in a few propositions:

"1. There can be no social health and progress in a society where the selfish private interests of a minority are imposed upon the masses of the people through governmental coercion; government must, therefore, be based upon the will of the majority, democratically expressed.

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"2. Governmental power, political power, can be built only upon a foundation of economic power, that is, ownership, control, and operation of the basic economy of the country, which is the foundation of social life; the America of the late 18th and early 19th centuries was able to achieve such a foundation by breaking up the great colonial land monopolies and opening up the great territories of the West, and by the widespread distribution of free or cheap lands. Democracy was, therefore, primarily agrarian, supplemented by the city democracy of the handicraftsmen who owned and worked with their own tools.

"3. The supreme power, the state, must be endowed with sufficient powers to perform its function to guarantee the social order which erects it from attacks by selfish minority interests within and from aggression from without, and no more. Therefore, in the democracy based upon widespread distribution of the national economy in the hands of individual producers, there must be a maximum of local self-government, and all government—a necessary evil at best—must be confined to those fields where its operations are indispensable to the solution of the problems of the people.

"We Communists unconditionally approve of the Jeffersonian principles thus expressed, and we consider that Jefferson's concrete applica-

(Testimony of William Schneiderman.)

tion of them produced the highest, most progressive society [180] that history had ever seen up to that time. We consider Jefferson's principles equally valid today, when they are adjusted to the tremendous changes that have taken place in the last hundred and fifty years.

"What are these changes? They are the changes of the economic revolution, the rise of large-scale power and machine production in industry, the disappearance of individual production, the emergence of giant trusts and monopolies, the subordination of the farm to the city, and the domination of monopoly capital over even the remnants of individual agrarian production. In Jefferson's day, the national economy was overwhelmingly in the hands of the masses of the people. Jefferson's main preoccupation was with the problem of how to keep it there. He succeeded in raising a superstructure of democratic government, and in establishing a powerful democratic tradition—but his aspiration for a self-perpetuating agrarian democracy was wrecked on the rise of machinery and mechanical power, on the industrial revolution, which he could not foresee. Today, in 1938, the national economy has passed out of the hands of the people; more than 90 per cent of it is directly owned by the great corporations representing a minute fraction of the population; the whole national economic life

(Testimony of William Schneiderman.)

is dominated by this minority—the economic royalists—subject to the limitation only of the degree of governmental intervention under the influence of the democratic masses. The economic foundations of Jefferson's democracy have disappeared; the superstructure of democratic government and the self-organization of the people this makes possible remain as the sole instruments whereby the masses can influence and control their economy. That is why democracy is threatened today by the economic royalists, by monopoly capital.

"The whole democratic mass movement arising today in America is directed toward finding some means to restore the lost economic [181] foundations of Jeffersonian democracy. If it is to remain true to Jefferson's principles, it must find a new and quite different practical program. The old individualistic economy is gone beyond recall; whereas Jefferson could bolster up democracy by the protection of individual private property in production, today all measures to strengthen private property only strengthen the hold of monopoly capital, the rich minority, over the masses of the people. The very existence of democratic self-government is threatened. There is no road leading back to the past. We are forced to abandon Jefferson's dream of an agrarian democracy, if we are to preserve Jefferson's democratic principles.

(Testimony of William Schneiderman.)

"All the progressive measures of Roosevelt's New Deal are incomplete and fragmentary efforts to apply Jefferson's democratic principles to the new conditions of the twentieth century. They are incomplete and fragmentary because they avoid their logical consequences of a fundamental collision with monopoly capital.

"The program for the democratic front which we have elaborated here is a further, and more systematic, effort to apply Jefferson's principles within the limits of the capitalist system of production and distribution.

"But a full and complete application of Jefferson's principles, the consistent application of democratic ideas to the conditions of today, will lead naturally and inevitably to the full program of the Communist Party, to the socialist reorganization of the United States, to the common ownership and operation of our economy for the benefit of all. To illustrate this, allow me to restate Jefferson's three central ideas in terms of the condition of today. We then have the following:

"1. The first, most basic, Jeffersonian proposition remains unchanged. We can repeat today. There can be no social health and progress in a society where the selfish private interests of a minority are imposed upon the masses of the people through [182] governmental coercion; government must, therefore, be based

(Testimony of William Schneiderman.)

upon the will of the majority, democratically expressed.

"2. Political power can be built only upon a foundation of economic power, the ownership, control and operation of the basic economy of the country, which is the foundation of social life; America of the twentieth century is a new world, in a deeper sense than the original America was a New World for Europe; it finds its basic and controlling economy in the form of giant enterprises, socially operated, interconnected and interdependent, which cannot be broken up without destruction of the power to produce, which can become the foundation for democratic self-government only if taken over entirely through the organs of that democratic self-government. Democracy must become, therefore, an industrial democracy primarily, a democracy of socially owned and operated industry, supplemented by the agrarian-democratic forces as allies; that is, it must be a socialist democracy.

"3. The supreme power, the state, must be endowed with sufficient powers to perform its function to guarantee the social order which erects it from attack by selfish minority interests within and from aggression from without, and no more. So far we repeat the original Jeffersonian principle unchanged. But in the conditions of twentieth century economy, which

(Testimony of William Schneiderman.)

cannot be distributed among individual producers, which must be democratically owned, controlled and operated, local self-government must be fitted into a national state with all the powers necessary to effectively operate the national economy and protect it from attack; all government—a necessary evil at best—must be directed toward creating a classless society, where exploitation of man by man has been entirely abolished, and where therefore government, the state power, will ultimately become unnecessary and will wither away and disappear. [183]

"In this restatement of Jefferson's fundamental democratic principles, we have the only possible solution for the final preservation of these principles. But at the same time we have thereby a complete amalgamation of Jefferson's teachings with those of Marx, Engels, Lenin and Stalin. We have the complete program of the Communist Party."

In a democratic republic such as ours where, within certain limits democratic rights are granted, the Communist Party and its members advocate the use of all possible democratic means to alleviate and change existing social and economic conditions, and under these constitutional guarantees has the right to actively engage in the organization and education of the people to win them for the

(Testimony of William Schneiderman.)

acceptance of the principles of the socialist reorganization of society, to eliminate exploitation of the majority by the minority, and to realize the fullest extent of democracy. We say that bourgeois democracy is limited because under capitalism and especially in its present stage, imperialism, full political freedom cannot exist because it is shackled by the lack of economic freedom for the majority of the people. There exists in our present society a formal equality and freedom, far superior to that under any previous order of society, but this formal equality merely hides the actual inequality that exists for the working people because our capitalist society is dominated and controlled by a small group or class that has in its hands the means of production and exchange and by this economic supremacy is also able to influence and control the political instruments of government, and determine the fate of the people. This formal equality which actually hides the basic inequality that arises out of the economic system was best described by Anatole France when he said:

> "The law in its majesty forbids equally the rich man and the poor man, the banker and the migrant, from sleeping under the bridge."

[184]

The present highly developed stage of capitalist society, with its concentration of the nation's wealth and resources in the hands of a few, has built up

(Testimony of William Schneiderman.)

the control of monopoly capital over the economic and political life of the country, over the instruments of propaganda and education, and over the lives and destinies of the people as a whole far beyond anything envisioned by Marx and Engels in their day, but fully bearing out their general analysis of capitalist society. The wage earner today is not in the same status as the chattel slave or the feudal serf, but he no longer has in his hands the tools and means of production which he had in the days of a simple commodity economy before the handicrafts and the artisan were replaced by the factory production of capitalism through the industrial revolution. The wage earner has to sell his labor on the market like any other commodity and he receives in return only a comparatively small portion of the value which he produces. The rest, in the main, is retained by the capitalist class in the form of rent, interest, and profit, or what the Marxists call surplus value. All of the contradictions of the capitalist system of economy arise from this basic relation leading to recurring economic crises, unemployment, wars and the other phenomena characteristic of our present day society. The class struggle arises out of the conflict of interests between the working class which generally is unable to obtain more than a bare subsistence and the economic oligarchy which has accumulated in pyramidic proportions and geometric dimensions in their hands the wealth and resources

(Testimony of William Schneiderman.)

of the nation. Thus the essence of freedom and equality which is recognized to a greater or less extent in a democratic republic under modern capitalism amounts, for the wage earner, to the right to look for a job and sell his labor power for whatever he can get, or the right to starve if he is unable to find work or is unwilling to accept work at a subsistence level or below a subsistence level. [185]

Capitalism recognizes property rights and the protection of those rights, but aside from general moralizations does not recognize and protect human rights, the right to have a job at decent standards, the right to security, the right to education. These rights, which are supposed to exist under capitalism, do not exist for the unemployed worker, for the sharecropper, for the migratory laborer. Even the political rights granted in a democracy such as ours are curtailed and at times completely suppressed. I refer to poll taxes or other forms of discrimination against the universal and equal franchise.

The Court: Q. How long will it take to conclude?

A. Without quotations, it will probably take another ten minutes.

The Court: We will take a recess now until two o'clock.

(Thereupon, an adjournment was taken until two o'clock p. m., this date.) [186]

Afternoon Session

The Court: Proceed.

WILLIAM SCHNEIDERMAN,

recalled.

Direct Examination
(continued)

The Witness: A. (Continuing) I refer to the practices in the South whereby the majority of the Negro people are disfranchised either by legal means or such means as intimidation. I refer to laws in various states and cities which are used from time to time to curtail and prohibit the rights of free speech and assemblage; and I refer to the type of legislation that is passed and used during war time or other periods of crisis in the country which suspend or abrogate many of the constitutional rights of citizens. The average citizen who is a wage earner does not receive the same latitude in his ignoring or violation of the law as is enjoyed by the big corporations who violate it at will, often without punishment. There are corporations and employers who have been systematically violating such laws as the Wagner Labor Act and the Wages and Hours Law with impunity for months or years, and where they are unable to get away with direct violation, they are able to find ways of procrastination, evasion, or legal loopholes, by which they can violate the spirit if not the letter of the law. Even the mildest efforts at reforming some of the most evil practices of big capital, such as the efforts

(Testimony of William Schneiderman.)

undertaken in recent years by President Roosevelt and his administration, have met with the bitterest opposition of these economic groups and some of the most outspoken of their representatives have even incited to civil disobedience and disorder and have issued more or less veiled threats that if they cannot have their way under the present political forms, they will work for the establishment of fascism in the country. All of these factors lead us to the conclusion that even the most well-meaning and liberal administrations are but instruments of the dominant economic [187] class, that the state is the instrument of the ruling class in power, and that essentially because of its economic basis there exists a more or less veiled dictatorship of monopoly capital over the lives of the people. In our conception democracy can only be fully realized when the economic basis for inequality no longer exists, and that is in a society where the means of production and distribution are socially owned by the people, and where the economy is not based on an anarchistic unplanned method of production for the market for profits, but where production is planned for use and enjoyment of the whole people. Such an economic base in a socialist society where all class divisions will disappear will also bring with it greater political democracy in that democratic processes will not be hampered and curtailed by a minority class, but will develop and flourish in the interests of all the people. When we speak

(Testimony of William Schneiderman.)

of the dictatorship of the proletariat, we do not refer to a dictatorship in the generally accepted sense of the word, but rather that the majority of the people shall really direct their own destinies and use the instrument of the state for these truly democratic ends. This can only be achieved when the majority of the people choose to follow the socialist path by democratic processes.

It would be reducing Marxism to a vulgar absurdity to say or believe or advocate that a social revolution could be brought about by any single group or party by a conspiracy or by in any way imposing the arbitrary will of any minority group or party upon a people or a government. The writings and declarations of Marxists and Leninists are replete with statements rejecting any such ideas. The Communist Party of the United States of America strives to identify its activities with the desires and wishes and aspirations of the American people and submerges its own interests to the general interests of the people. It strives to submerge its own [188] interests to the interests of the nation which it identifies with the interests of the majority of the American people. The Communist Party and its members are obligated to defend our country and its democratic institutions against any enemy from within or without, from at home or abroad.

We therefore believe that our program, principles, and tactics, our theory and practice, are perfectly consistent with the obligations and rights of American citizenship.

(Testimony of William Schneiderman.)

That is the general introductory statement, stating our views.

I would like to introduce some quotations from various authorities which I believe bear out the main argument that I have presented in this statement.

Mr. Hennessy: I have no objection to the introduction of these, provided Mr. Schneiderman will identify them and give us the date when they were issued.

Mr. Andersen: For your information, Mr. Hennessy, the books from which the excerpts are culled will be introduced in evidence and you will be supplied with a copy of those excerpts.

Mr. Hennessy: We appreciate that; but, if Mr. Schneiderman has them available, I would like to have him state all the books from which they are taken, the author and the date of the books, and also whether or not they were circulated by the Communist Party.

Mr. Andersen: Q. Will you conform to the suggestion of Mr. Hennessy, Mr. Schneiderman?

A. Yes. I have referred in my statement first to the fact that Abraham Lincoln, in his writings and his speeches, defended the right of revolution. I want to quote here from a speech made in the United States House of Representatives, January 12, 1848, by Abraham Lincoln, which was taken from the "Complete Works of Abraham Lincoln—Gettysburg Edition," Volume I, pages 338 and 339: [189]

(Testimony of William Schneiderman.)

> "Any people anywhere being inclined and having the power have the right to rise and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right—a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can may revolutionize, and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority, intermingled with or near about them, who may oppose this movement. Such minority was precisely the case of the Tories of our own revolution. It is a quality of revolution not to go by old lines or old laws, but to break up both and make up new ones."

The same "Complete Works of Abraham Lincoln," from the Second Inaugural Address, I quote:

> "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it." [190]

I also want to quote Lincoln, as indicating that the Marxism principle, regarding labor and capi-

(Testimony of William Schneiderman.)

tal, is a principle which was recognized also by American political leaders; for example this quotations from Abraham Lincoln, taken from "Complete Works of Abraham Lincoln—Gettysburg Edition," Volume X, page 51, in a speech to the United States House of Representatives, in which he made a reply to a committee from Workingmen's Association of New York, March 21, 1864:

> "Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration."

That is from a message to Congress, December 3, 1861.

I also want to refer to the writings of one who is not in any sense of the word a Communist or a sympathizer with Communism; but these writings, I believe, bear out the contention that I made that many of the recognized historical principles which we advocate are recognized by people who study and discuss philosophy, or, rather, politics and history. This is a quotation from Mr. Maury Maverick, formerly Congressman and at present Mayor of San Antonio, Texas, from his book, "In Blood And Ink," published by the Modern Age Books, Inc., New York:

> "Democracy, to me, is liberty plus economic security. To put it in plain language, we Amer-

(Testimony of William Schneiderman.)

icans want to talk, pray, think as we please—and eat regular. I say this because there is a lot of nonsense in talk about liberty. I have said before that abstract liberty is meaningless. You cannot fill the baby's bottle with liberty." Page 143.

"The principal thing is for all Americans to find a way to hang on to what our forefathers called liberty. Conservative or radical, you have the right to any opinion you like—that's inherent in Americanism." Page 5. [191]

"It is this free opinion that I hope and you hope will be preserved. If we are sensible Americans, we must agree upon our right to disagree. We must, too, open our eyes to history in order that we may see the future and prepare for it." Page 6.

"Benjamin Franklin and other eighteenth-century American writers used the words constitution and government interchangeably and synonymously. But they always implied that there was something else besides a written constitution—a spirit of constitution which came from the people's way of life." Page 14.

"In all ages government has acted in the last analysis as the agent or instrument of economic power—of those who owned the land. It is idle to talk of human rights as separate from economic rights. Throughout history idealists have fought—with arms and with ballots—

(Testimony of William Schneiderman.)

for human rights. But the people have won and retained their rights—their civil liberties —only when they have won some measure of economic power, and consequently some voice in their governments." Page 92.

"Every Marxist has been taught that this ruthless concentration of wealth and centralization of economic power will be the destruction of private capitalism. When monopoly and the concentration of wealth becomes intolerable, they say, socialization of wealth—of the concentrated means of production, that is —becomes the only solution." Page 175.

"Throughout history the property interests —whether the great Roman landowner, Chinese landowner or the French landowner; whether the Southern slaveowner, or the modern factory owner--have always resisted the attempts of the people to improve their conditions—to secure a greater interest in the land." Page 191.

"We can't refuse the social challenge of monopoly domination—not unless we are ready to surrender the living standard and the liberties we now have. So let's have at the monopolies, and tell [192] them we either take them over, or control them—whichever we, not they, decide is best." Page 193.

I now want to quote from a document which is the preface to a book by John Strachey, "The Coming Struggle For Power."

(Testimony of William Schneiderman.)

Mr. Andersen: I offer that book in evidence as Defendant's Exhibit "B."

(Book marked

"DEFENDANT'S EXHIBIT B.")

The Witness: A. This author is not a member of the Communist Party; but I am introducing his opinion because he is a recognized authority on Marxism and general communistic theories; has written many books on the subject and has lectured on the subject in the United States. This preface deals with the question of force and violence, for which he was arrested and an attempt was made to deport him on the ground that he advocated the overthrow of the Government by force and violence:

> "On March 13th, 1935, in a suburb of Chicago, Illinois, I was arrested by two officers of the Federal Government of the United States. The charge was that I had advocated the overthrow of the United States Government 'by force and violence.'
>
> "Since no statement of mine advocating such action could be produced, the Federal authorities relied upon numerous passages in my books and articles in which I had described myself as a communist. For, they argued, syllogistically, all communists advocate the use of force and violence. Strachey is a communist. There-

[Note: All italics in this exhibit are by the author.]

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

fore Strachey advocates the use of force and violence. This reasoning on the part of the Federal authorities served to raise a question which, I believe, agitates the mind and conscience of almost every man and woman who is concerned with the present condition of the world.

"Do the communists advocate that the establishment of a new social system shall be accomplished by violent means? This question concerns especially those people who are today convinced that much [193] at any rate of the communist case against capitalism is true, and who, therefore, feel that some change in the basic organization of society is necessary. Such people often feel, however, that they can give no support to the communists if this often-repeated charge of favouring violence is justified.

"But the communists do not advocate or desire the use of force and violence.

"This assertion may well seem incredible to those who are alone familiar with communist views as these views are described by the communists' most bitter opponents. We have all read a thousand times in the capitalist press that the communists favour violence, that this is the chief difference between them and the Socialists, that the communists openly 'preach revolution.'

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

"None the less, I repeat, the communists do not, nor ever will, advocate or desire the use of force and violence.

"It seems, then, that the communists have very different views on this question to those usually ascribed to them. In order to define precisely the communist position on the question of force and violence it will be necessary to raise three issues. First, we must enquire whether it is possible for us to live peacefully under our present social order. Second, we must define the difference between *predicting* that violence unfortunately will occur at certain junctures in human history, and *favouring* or *desiring* the occurrence of such violence. Third, we must deal with the question of whether or not there exists in Britain and America democratic machinery capable of effecting basic social changes by peaceful and constitutional means.

"In the first place, then, what are the presuppositions of those who accuse the communists of advocating violence? The assumption which is always made, though usually tacitly, is that we live today in a kind of Eden of peaceful cooperation and social harmony. [194] The one feature, it is implied, which mars the otherwise idyllic scene is the existence of certain criminal lunatics, labelled 'the communists' who, for some totally inexplicable reason, are

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

bent on turning an existing Arcadia into a scene of destruction, carnage and rapine.

"Now if this assumption were true, who would not condemn such destructive fanatics. If it were true that we could, we would, live in peace and plenty under capitalism, then, beyond a doubt, almost everybody would be ready to reprobate those who seemed likely to disturb us.

"But does this assumption of an existing system of social and economic harmony bear any resemblance to the reality of the present world? To ask such a question is unfortunately to answer it. The world of our epoch is racked by extraordinary, intense and ever recurrent outbreaks of violence, both within and between every capitalist state. No capitalist community is free from social conflicts within itself, from strikes, lockouts, and demonstrations of the unemployed and the underfed. And all these events involve varying degrees of violence, frequently including the loss of life. Dwarfing, however, even these recurrent outbreaks of social violence, the shadow of a new outbreak of the incomparable violence of general war advances upon us. This veritable inferno of existing or impending violence (and no Eden) is the social scene upon which the communists appear. If, then, the communists were so mad as to 'advo-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

cate violence' they would be undertaking an altogether redundant task. The presuppositions of the accusation against the communists are totally misleading. For that accusation to have weight it must be *possible* for us to live in peace under capitalism. And this is precisely what is impossible.

"Shall we, however, be told that the existing violence of our world is merely the result of the baleful activities of the [195] communists themselves, that if only the communists were imprisoned or exterminated life under capitalism would become an idyll? Even in regard to the violence of industrial disputes such a contention is manifestly absurd to everyone who knows anything of modern industrial life. (This allegation of communist responsibility for every industrial dispute is made by the same people who, on other occasions, never tire of telling us of the insignificance, incompetence and impotence of the communists.) But it is impossible even to suggest that the communists are responsible for the far greater violence of past, present and future capitalist wars. Hence there is no doubt that whatever the communists are *preaching*, other people are here and now *practising* a constant use of violent methods for attaining their ends.

"What then, must be our surprise when we discover that the people who are, demonstrably,

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

responsible for the extreme violence of our times, are the very people who so loudly arraign the communists as disturbers of the peace? For, after all, so long as capitalism exists, the capitalists and their spokesmen must bear the full responsibility for both the social and the international violence which their system visibly involves. They are quick enough, in all conscience, to claim credit for the achievements of the system. They must carry the burden of its liabilities also. They have the power; they have created the world in their own image. They cannot escape responsibility for what it is like.

"These censors of the communists are, then, the very men who are leading our whole civilization straight upon its destruction in a new world war. They are the capitalist statesmen, who turn aside for a moment from the pressing business of drilling their police or building their tanks, their battleships and their bombers, to raise pious hands in holy horror at the wickedness of the communists who (they say) 'advocate violence.'

"In the hearing before the District Director of Immigration [196] which followed my arrest and which, apparently, resulted in the proceedings against me being dropped, I was asked to summarize my position——"

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

The Court: Q. What date is this?

Mr. Andersen: It is part of the same quotation.

The Witness: A. The date of his arrest was March 13, 1935.

Mr. Hennessy: This is dated July, 1935.

The Witness: A. (Continuing)

"I replied as follows:

"'I do not believe in or favor force or violence. What is true is that I cannot conceal from myself the fact that force and violence have been used and are now being used by the capitalist class all over the world. I believe that this use of force and violence has happened and I admit that I believe it may happen again, but that does not mean that I am in favor of it happening again or that I advocate it in any conceivable way.

"'On the contrary, I believe that the undeniable fact that an ever-growing use of force and violence hangs over the world today as a nightmare to me and to all decent people. As we sit at this hearing today the continent of Europe is on the bring of an outbreak of force and violence between the capitalist governments of that continent. First Europe and then the whole world is, in the opinion of every expert adviser, about to be plunged, if not this year, then in some future year, into the inferno of international capitalist war; and I cannot conceal from you, Mr. Inspector, that I consider

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

that for any capitalist government today to accuse me of advocating force and violence is an insolent presumption.'

"So far I have sought to demonstrate two simple propositions. First, that the spokesmen of the capitalists paint a preposterously misleading picture of the world when they accuse the communists of disturbing a peaceful and harmonious scene with the advocacy of violence. Second, that the very men who make this accusation are [197] themselves engaged, not indeed in the advocacy of violence, but in its ceaseless practice.

"These facts discredit the particular persons who habitually accuse the communists of advocating violence. But they do not necessarily disprove that accusation itself. It may be that the capitalists have no shred of right to make the accusation; yet the accusation itself may be true. But every responsible communist repudiates the truth of the accusation itself. What in fact then is the nature of communist doctrine on the difficult question of force and violence?

The communist is, and always must be, the champion of civilisation against all and every form of barbarism. He actively works for the banishment of all forms of force and violence from human affairs. He must desire, above everything, the establishment of a form of so-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

ciety in which social and international peace becomes, for the first time, possible. But he knows that such a harmonious society is not possible till the factories, the fields, and the mines, have been taken out of the ownership of a numerically small class and made the common heritage of man. Hence, in working for the abolition of capitalism, he is convinced that he is attempting to achieve the one thing which can make peace possible.

"But, we may be asked, if this is so, why do not the communists abjure, utterly and immediately, the use of force and violence? If it is true that a peaceful society is their aim, why do not they set an example of absolute pacifism, quietism and non-resistance now? This sleek, ingenious objection comes readily enough to the lips of the better-informed apologists of capitalism. And, in truth, nothing more convenient to the capitalists can be imagined than that their opponents should take up such a position. 'How delightful it would be,' the capitalist statesmen wistfully reflect, 'if only everyone who cannot agree with us would accept the principles of non-resistance. [198] Then, we should be assured that whatever we did, we should never encounter any inconvenient opposition.'

"As long ago as 1884, Frederick Engels, one of two co-founders of the modern communist

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

movement, answered them in a letter to August Bebel, a leader of the German working class. The passage is worth quoting, not only in order to show that the communist position on the question of force and violence has always been the same, but also because Engels reminds the capitalists of something which they now often forget: namely, that they too have been in their time great makers of revolutions; that capitalism has not been in existence for ever, but was on the contrary established everywhere by the violent overthrow of feudalism, the social system which preceded it.

"Engels speaks of Europe, but his words apply even more directly to the United States, which have an avowed and explicitly revolutionary origin.

" 'Throughout the whole of Europe the existing political situation is the product of revolutions. The legal basis, historical right, legitimacy, have been everywhere riddled through and through a thousand times or entirely overthrown. But it is in the nature of all parties or classes which have come to power through revolution, to demand that the new basis of right created by the revolution should also be unconditionally recognized and regarded as holy. The right to revolution *did* exist—otherwise the present rulers would not be rightful —but from now onwards it is to exist no more.'

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

"What, Engels continues, is the position of those German political parties which will only allow the German worker's party political rights on condition that it renounces all thought of armed resistance in any circumstances?

"'What is the position of the parties?' Engels writes. [199]

"'In November 1848 the Conservative party broke through the new legal basis created in March 1848 without a tremor. In any case it only recognises the constitutional position as a provisional one and would hail any feudal-absolute coup d'etat with delight.

"'The Liberal parties of all shades cooperated in the revolution of 1848-1866, nor would they deny themselves the right today to counter any forcible overthrow of the constitution by force.

"'The Centre recognises the church as the highest power, above the state, a power which might in a given case, therefore, make revolution *a duty*.

"'All these are the parties which demand from us that *we, we alone of them all,* should declare that in no circumstances will be resort to force and that we will submit to every oppression, to every act of violence not only as soon as it is merely formally legal, legal according to the judgment of our adversaries—but also when it is directly illegal. Indeed no

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

party has renounced the right to armed resistance, *in certain circumstances,* without lying. None has ever been able to relinquish this ultimate right.'

"The reader of this introduction who is unfamiliar with communist thought will, I fancy, be feeling a growing sense of bewilderment.

"'If all this is what the communists really think, and believe', he will be saying, 'why do they often talk about revolution, and, if I am not mistaken, about the necessity of revolution?'

"These questions of the nature of revolutions and of the likelihood, or inevitability, of their future occurrence, figured prominently in one stage of the dialogue between U. S. Inspector of Immigration (Mr. Zucker) and myself in Chicago. The Inspector read out a passage from this book, to be found on page 359 of this new edition.

"Inspector: 'I read into the record the following excerpt found on pages 357 and 358:

[200]

"The coming of communism can alone render our problems soluble. A working-class dictatorship can alone open the way to communism. A working-class dictatorship can only be successful if the workers as a whole achieve a clear understanding of the historic destiny of their class. And this understanding, in turn, cannot be developed unless the working class succeeds

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

in organising its most conscious and clear-sighted members into that indispensable instrument of the workers' will, a Communist party. The assumption of power by the workers can occur by means of a revolution alone; by means, that is, of an event which takes place over a limited number of years, and of which there may be a critical moment such as the conquest of the existing state apparatus in a capital city which can be 'dated' to a given week of a given month of a given year. The coming of communism itself, however, after the achievement of working-class power, must be a gradual process. And it is only gradually, with the emergence of communism, with the creation—and that, we may be sure, only by Herculean labors and painful sacrifices—of the essential economic basis for a classless society, that the problems which today threaten civilisation with eclipse will actually be solved."

"Inspector: 'Have you anything to say?'

"Strachey: 'Yes, I would call your attention to the fact that once again I am expressing my view, for what it is worth, of the way in which social and political events take place, whether we like it or not. * * * Then, I think that I had better explain what the word "revolution" means in the passage cited, as this is not clear without the context. The word "revolution" means the transference of political

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

power from one social class to another. Now there have been instances in history in which such a transference of power has taken place without any violence occurring. Such revolutions have been called peaceful revolutions and the leading historical example is the transference of power from the British [201] aristocracy to the British middle or capitalist class by the "Reform Bill" of 1832.

" 'I further call your attention to the fact that on line 3 of page 358 I state that there may be a critical moment in such revolutions "such as the conquest of the existing State apparatus in a capital city." I do not see how any student of history, whatever his views, could deny that there may, unfortunately, be such moments in the future just as there have been in the past, but this does not mean that he wishes or advocates that such critical moments should occur.

" 'If I might use a simile I might say that when sitting on the seashore, I might take the view that the tide would come up and wet my clothes but this would not mean that I should favor or advocate the coming up of the tide.'

"I believe that this difference between *predicting* that the abolition of the capitalist system will involve violence, and *advocating* or *desiring* such violence, is a distinction of primary importance. For no one could deny that

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

communists do predict that violence will take place. But such prediction does not mean that they have ever dreamt of advocating or desiring violence. The best demonstration of this vital point was made by R. Palme Dutt in his periodical the 'Labour Monthly' in 1926.

"Dutt is the leading communist thinker of the English-speaking world and is a responsible member of the Communist International. Hence his words will serve to shew that the repudiation of the accusation of favouring force and violence was not the suddenly evolved casuistry of a communist author under arrest, but is the consistent attitude of all communist spokesmen. Dutt is answering the familiar accusation of favouring force and violence which Mr. James Ramsay MacDonald (at that time the leader of the British Labour Party, but now Lord President of the Council in the British National Government) had just preferred against the communists with [202] particular venom.

"Dutt wrote: 'It is a lie to say that the revolutionaries advocate violence and civil war. What the revolutionaries say is that the issue of bourgeois violence confronts the working class and has got to be faced, and that the workers cannot afford to put their trust in the capitalist law and the capitalist state machine for their protection. And events are daily proving the truth of this.

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

"'Imagine a parallel. Suppose a scientist to declare, as a result of his investigations, that an earthquake will take place in England within ten years, and that all houses, unless reinforced in a certain way, will be shattered. It is reasonable to doubt his conclusion, to discuss his evidence, to examine the facts and see how far they bear him out. But the MacDonald method is different. Mr. MacDonald would say: "Infamous scientist! He is in favour of earthquakes. He wants to shatter all our houses. Out with him! Earthquakes are all very well for countries like Japan; but we do not want them here. We like to live at peace. We have always lived at peace. Expel this scientist! Vote for me and no earthquakes!" And amid general applause, by an overwhelming majority, a resolution would be carried denouncing the scientist and denouncing all earthquakes. . . . Neither the communists, nor any other section of the working-class movement, desire or advocate violence or civil war in any form. Communism stands for the abolition of every form of coercion and every form of violence. Compared with communism, the Quaker opposition to violence is half-hearted and insincere, for the Quakers rest on capitalism and the capitalist apparatus, draw their wealth from it, are mixed up with their financial investments and shares in the whole of imperialism and its daily

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

violent subjection and coercion of the majority of the human race. Communism alone proceeds along the correct method [203] to remove coercion by removing the causes of coercion. But this process involves struggle in the existing world of struggle; and communism teaches that, so long as the working class submits to bourgeois violence, so long they not only do not escape struggle but, by the continuance and expansion of capitalism and imperialism, the sum-total of violence in the world is increased.'

"Many readers, and in particular those who desire fundamental social change, but who believe that such change will come about gradually and peacefully, will, no doubt, still be feeling dissatisfied with our presentation of the problem. They may maintain that the whole issue has been misstated.

" 'There is really no question,' they may say, 'of any passive submission to the will of the capitalists. It is demanded of the communists that they should pledge themselves in all circumstances not to use violence. But this will not leave them helpless. On the contrary there exists in Britain and America a well-developed democratic, constitutional procedure by which social changes, no matter how far-reaching, can be effected. The communists have only to convince the majority of the electorate that their case is sound for them to be able forthwith to

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

use the existing state machinery, first for gaining valuable concessions for the working class and ultimately for the expropriation of the capitalists and the organisation of production for use on a socialist basis, and none will say them nay.'

"The communist answer to this assertion is, quite simply, that neither part of it is true. It is not true that there exists today in England and America democratic, constitutional machinery, which can be used for the abolition of capitalism and the organisation of socialism. It is not even true that our existing democratic machinery can be used to win significant reforms without it being first paralysed and then abolished altogether by the capitalists.

[204]

"We are not here concerned with the preposterous disadvantages under which the workers of a capitalist community must suffer if they seek to use the existing democratic machinery for their purposes. I am taking no account of the fact that the wealth of the capitalists gives them a 99.0% monopoly of all our modern and perfected means of influencing and confusing men's minds that the press, the radio and the cinema are just as much the private property of the capitalists as are the coal mines or the steel mills; that the schools and, to a very great extent, the pulpits, too, can be,

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

and are used to prevent men from becoming conscious of the possibility of any alternative to capitalism; that democratic electoral machinery responds only when it is approached with hard cash in hand. For it is true that all these enormous difficulties can be, and have been, in some measure overcome by working class political parties, operating in capitalist democracies. The sheer, intolerable pressure of capitalism upon the workers is so great that working class political parties of an ostensibly anti-capitalist nature have struggled into existence almost everywhere. And they have in some countries, such as Germany, for example, won sufficient votes to attempt to use the existing machinery of the state to win concessions, and to look forward to using it for the abolition of capitalism itself.

"Now, whenever and wherever this situation has developed to a point at which its power has begun to be called into question, the capitalist class has immediately scrapped the democratic and constitutional system and has resorted to rule by what we have come to know as the method of fascist dictatorship.

"This point emerged towards the end of my examination in Chicago. The following passage from a book of mine, called 'The Menace of Fascism' was read: [205]

"'Indeed the conditions of political life in a modern capitalist democracy may well be compared to a game of cards. The capitalists

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

sit playing against the workers. For a number of years the game goes on in a perfectly orderly way. Neither side shows any signs of trying to tamper with the rules (to alter, that is, the framework of the Constitution.) And then it becomes apparent that the stakes of the game have gradually been raised until all that either side possesses is now at hazard. (The economic crisis, that is, has grown worse and worse until the inescapable issue has emerged: either slow starvation and ruin for the workers, or the taking of the means of production from the capitalists.)

" 'Moreover, when this point is reached, another fact also becomes apparent. It becomes apparent that under the existing rules of the game, the workers would, sooner or later (and in spite of all the advantages of the capitalists) —the workers by sheer, overwhelming weight of numbers would, if the democratic system were preserved, acquire a parliamentary majority. Will the capitalists, in these circumstances, scrupulously preserve the rules of the game and meekly hand over their whole property as the forfeit? To ask such a question is surely to answer it. Of course they will cheat; of course they will tear every constitution in the world to shreds rather than allow their property and

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

privileges to be taken from them. Who wouldn't?'

"'Q. Mr. Strachey, do you have any comment to make on that passage?

"'A. Yes, this passage does, I think state as clearly as I have been able to state it anywhere, my view of what is only too likely to happen. I call the Inspector's attention to the fact that it is once more merely a statement of what it seems to me is likely to happen, but it does put my view, which has grown in my mind as a result of my experience in European politics, that it is the capitalists who resort to force and violence, if and when they [206] 'see their position encroached upon by the workers' use of the democratic and constitutional methods of political change.'

"I do not see how anyone reflecting upon the history of Europe since the War can possibly deny that everywhere and always the capitalists have unhesitatingly resorted to violence just as soon as they felt their position encroached upon in any way.

"The communists had persistently predicted that this would be so. They had persistently warned the working class that if they relied upon the capitalists paying the forfeit, if they lost the democratic game, they were deluding themselves most tragically and would find themselves suddenly face to face with an outbreak

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

of capitalist violence and terror with which they would be quite unprepared to deal. The communists, undoubtedly made themselves unpopular by repeating this truth: Those labor leaders who preferred to tell the workers that there was no danger of the capitalists ever breaking the Constitution, that there was no need for the workers to prepare for civil conflict, were able, by this pleasing message, to win great popularity.

"Indeed those leaders have in many countries retained their positions at the head of the working class movement, right up to the moment at which they have been engulfed by that wave of capitalist violence which they had declared to be inconceivable. These labour leaders have not hesitated to join with the capitalist propagandists in twisting the meaning of the communists' warning to the workers to prepare for the use of relentless violence against them, into an advocacy of the use of violence, or even into a criminal appeal for violence for its own sake. The leaders of the British Labour Party in particular make great play with Lenin's well-known warning of heavy civil war in England. R. Palme Dutt, in an article from which we have already quoted, answered them as follows:

[207]

" 'Lenin spoke of heavy civil war in England. But when that quotation is given, it is never

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

given in full. Lenin did not say, "Let us make civil war in England." Lenin did not say, "Hurrah for Civil war in England." Indeed on another occasion, Lenin declared, as Marx had declared before him, that if the revolution could be carried through peacefully in England, then speed the work. But what Lenin did say was that he was convinced that the revolution could not be carried through peacefully in England. And for this statement he gave sober, matter of fact evidence and reasons, which have to be gainsaid before the conclusion can be gainsaid. What Lenin did say was that the English workers must "Prepare for," *prepare for*, not seek for, aim at, hope for—*prepare for* the necessity of winning their freedom, not through "easy parliamentary victories" but through "heavy civil war." That was a sober estimate of the future by the greatest working class strategist in history. It was a scientific statement, backed by evidence, representing the outcome of his life's work, study, thinking, and experience of the working of social forces.'

"Lenin wrote of England. He judged that the British capitalists were sufficiently tough, tenacious and relentless to fight by any and every means to retain their power and privileges. Some Americans may feel, perhaps, that the American capitalists are different; that they are mild, democratically minded men who

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

would certainly obey the dictates of popular assemblies even to the point of dispossessing themselves of all their wealth. The American Communist Party, on the contrary, takes the view that the American capitalists have shewn themselves to be fierce, arbitrary and relentless fighters for their class interests. The American communists believe that there is no possibility of the American capitalists allowing the transition from one social system to the other being effected without violence. They believe that it is the [208] duty of every responsible person to warn the American workers of this fact; they believe that those who prefer the popular course of telling the American workers that they can rely upon the democratic machine to protect them do but delude and betray those workers most cruelly.

"This then is the communistic view of the use of force and violence. Let us attempt to summarize it.

"The communist regards the banishment of force and violence from human affairs as one of his principal objectives. He believes, moreover, that the achievement of social and international peace is possible, after the tormenting coercions of capitalism have been abolished. But this hope and vision of the future does not blind him to the realities of today. He sees around him a world in which unending and

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

evergrowing violence is being used. He has analysed the causes which are driving man against man in a deadly and fatal struggle both within and between every capitalist community. He is convinced that outbursts of this violence must become ever more frequent and more frightful until they have drowned civilization itself in human blood, unless their cause is removed.

"And the cause of contemporary social and international violence is the private ownership of our fields, factories and mines and their operation for profit.

"The communist is further convinced that for the workers to pledge themselves in no circumstances to use force in the struggle to abolish this system would be to make the abolition of capitalism forever impossible. For the capitalists, all experience teaches, do not hesitate to use any degree of violence in order to perpetuate their system. But the perpetuation of capitalism means ever-recurrent outbreaks of world-wide violence on a scale compared to which the violence involved in the abolition of capitalism is [209] infinitesimal. Hence every communist is convinced that his is the only way in which force and violence can be immediately minimised and ultimately abolished.

"I believe, then, that those who are held back from acceptance of communism by horror at the violence which, they believe, communism in-

(Testimony of William Schneiderman.)

(Defendant's Exhibit "B"—continued.)

volves, misunderstand the issue. It is not communism which involves violence. It is capitalism which tortures the world with violence. Truly communism cannot claim to be able to abolish this violence by a magic stroke. But communism does shew men the way by which the causes of human violence can be eradicated step by step. I do not, of course, suppose that this summary discussion of a great issue will, in itself, convince the doubtful. But if it succeeds in making its readers observe, and reflect upon, the way in which world events develop during the coming years, it will have served its purpose. For then, I think, these events themselves will infallibly demonstrate the truth of the communist contention."

I have quoted this extract from Mr. Strachey, not as an official document or the official position of the Communist party, but as one who expresses the opinion of a recognized authority on Marxism and Communism, for the purpose of study and discussion of these theories.

I would like to now quote some quotations from a spokesman of the Party. This is from, "The People's Front," by Earl Browder, general secretary of the Communist Party, page 209——

Mr. Hennessy: What year was that?

Mr. Andersen: That was printed in 1938. I will offer this in evidence as defendant's exhibit next in order.

(Testimony of William Schneiderman.)

(Document marked

"DEFENDANT'S EXHIBIT C.")

The Witness:

"It is a popular superstition, which it is one of the main tasks of our Party to dispel, that the Communists are anti-democratic. This arises out of a vulgar interpretation of our [210] slogan of the dictatorship of the proletariat as the means of the transition to socialism. The Communists are not and have never been anti-democratic. The Communist program is only realizable through the fullest possible extension of democracy, and the realization of democracy on a scale which has not been dreamed of before in this country.

"The Communist Party is not and has not been the advocate of force and violence. Perhaps one of the best historical examples which vividly gives you the true picture of who are the advocates of force and violence is the situation today in Spain. If, in the future history of America, there is a development of large-scale struggles of a violent character, let me declare categorically here that the responsibility will not rest with the Communist Party nor with the working class upon which the Communist Party bases itself in the first instance."

From the same book, "The People's Front," by Earl Browder, page 239:

(Testimony of William Schneiderman.)

(Defendant's Exhibit C continued.)

"The Communist Party repudiates now as in the past, all theories or proposals looking toward a forcible imposition of Socialism or any utopia upon the majority of the people. We repudiate the 'reckless resolve to seize power' by any minority. If there should arise in America anything similar to the situation in Spain, where the democratic republic while repulsing the fascist invasion was stabbed in the back by the 'uncontrollable extremists' (a minority of the anarchists and the Trotskyist P. O. U. M.,) that we, like our brothers of the Spanish Communist Party would be in the forefront of the struggle to suppress such 'extremists,' who are really agents of fascism, and render them harmless."

From page 266 and 267:

"*We of the Communist Party never did and never will hold to a program of forcible establishment of socialism against the will* [211] *of the people.* While the majority of the people, and above all of the working class, do not yet accept the program of socialism, our program of socialist reconstruction of society is a matter for educational work to win the majority, while our practical and immediate political work is to be in the forefront in the organization of the majority of the workers and of the people generally, against the reactionary menace to their rights and interests, for a program

(Testimony of William Schneiderman.)

(Defendant's Exhibit C continued.)

of betterment of their lives such as the majority is ready to accept and fight for now * * * If our understanding of history is correct, this is the surest and least difficult road to winning the majority for socialism in the long run."

The Court: I suggest counsel get together in reference to the admission of these in the record.

Mr. Hennessy: I am willing to stipulate they can be copied into the record.

Mr. Andersen: Some of these will be introduced as excerpts from them.

Mr. Hennessy: To facilitate the matter, I am willing to stipulate that these excerpts that he has in his hand may be considered read, and they may be copied into the record.

The Court: You can discuss that among yourselves, so that both sides will have a record. We will take a recess for a few minutes.

(After Recess)

Mr. Andersen: There are a few additional quotations that we would like to read into the record, which I believe will save time. The rest of them we will introduce by excerpts and the books themselves.

The Witness: The following quotations are from the "Complete Works of Abraham Lincoln," Gettysburg Edition: letter to Joshua F. Speed, August 24, 1855, Volume II, page 287: [212]

(Testimony of William Schneiderman.)

(Defendant's Exhibit C continued.)

"Our progress in degeneracy appears to me to be pretty rapid. As a nation we began by declaring that 'all men are created equal.' We now practically read it, 'all men are created equal, except Negroes.' When the Know-nothings get control, it will read, 'all men are created equal except Negroes and foreigners and Catholics.' When it comes to this, I shall prefer emigrating to some country where they make no pretense of loving liberty—to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy."

From the same "Complete Works of Abraham Lincoln," Gettysburg edition, Volume X, page 66; letter to A. G. Hodges:

"I did understand, however, that my oath to preserve the Constitution to the best of my ability imposed upon me the duty of preserving, by every indispensable means, that government—that nation, of which the Constitution was the organic law. Was it possible to lose the nation and yet preserve the Constitution? By general law, life and limb must be protected, yet often a limb must be amputated to save life, but a life is never wisely given to save a limb. I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution thru the preservation of the nation."

(Testimony of William Schneiderman.)

(Defendant's Exhibit C continued.)

From the same work, "Complete Works of Abraham Lincoln," Gettysburg Edition, Volume I, page 24, speech before Illinois Legislature, January, 1837:

> "The capitalists generally act harmoniously and in concert, to fleece the people, and now that they have got a quarrel with themselves, we are called upon to appropriate the people's money to settle the quarrel."

From "Complete Works of Abraham Lincoln," Gettysburg Edition, Volume I, page 307:

> "* * * And inasmuch as most good things are produced by labor, it follows that all such things of right belong to those whose [213] labor has produced them. But it has so happened, in all ages of the world, that some have labored, and others have without labor enjoyed a major proportion of the fruits. That is wrong, and should not continue. To secure to each laborer the whole product of his labor, **or as nearly as possible**, is a worthy object of any good government."

From "Complete Works of Abraham Lincoln," Gettysburg Edition, Reply at Alton Debate, October 15, 1858, Volume V, page 65:

> "The same spirit says, 'You toil and work and earn bread, and I'll eat it.' No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of

(Testimony of William Schneiderman.)

(Defendant's Exhibit C continued.)

his own nation and live by the fruit of their labor or some one race of men as an apology for enslaving another race, it is the same tyrranical principle."

From the same "Complete Works of Abraham Lincoln," Gettysburg Edition, Reply to New York Working Men, March 21, 1864, Volume X, page 53:

"The strongest bond of human sympathy, outside of the family relation, should be one uniting all working people, of all nations, and tongues, and kindreds."

Volume VIII, page 127, from the same "Complete Works of Abraham Lincoln," Annual Message to Congress, December 1, 1862:

"Labor is like any other commodity in the market—increase the demand for it, and you increase the price of it."

The only other quotation I want to give directly is one from the "Communist," of December, 1939:

"The Workers' Party was the first united organization of the American Communists; it was a sharp break with the romantic 'Leftism' of underground days, for which it accepted no responsibility; and it established the first American affiliation to the Communist International as a 'fraternal' affiliate not subject to the organizational rules then being applied in the Communist Parties [214] in Europe. (The 'underground' parties had declared their adhe-

(Testimony of William Schneiderman.)

(Defendant's Exhibit C continued.)

sion to the Communist International but had not been accepted, due to their splits and immaturity.) There has never been any formal change in this relationship between the American Party and the Communist International, the close relationship between which have not been based upon formal statutes and rules."

From "The People's Front," by Earl Browder, Part 2, Chapter 3, pages 197 to 203——

Mr. Andersen: I will offer this entire book in evidence; also the excerpts.

(Book marked "Defendant's Exhibit C," together with excerpts.)

Part of

DEFENDANT'S EXHIBIT "C"

12/12/39—Jas

Browder,

PEOPLE'S FRONT

P. 148-9

Socialism, Fight for

"The problem for practical builders of socialism and fighters for socialism is everywhere and at all times to find the connecting link which ties up the life problems of the masses of the toiling people AT THE PRESENT MOMENT with their largest historical interests that are represented in the future socialist society. They, the tens of millions who provide the moving force of history, must

(Testimony of William Schneiderman.)

(Defendant's Exhibit C continued.)

be convinced UPON THE BASIS OF THEIR OWN EXPERIENCE-IN STRUGGLE of the necessity and inevitability of each successive step of their movement toward socialism. The more they are organized and roused in struggle against the evils of capitalism the quicker they can understand and assimilate the teachings of socialism, and consciously take the path to the new society.

"Now, when capitalism in decay, capitalism rotting and collapsing, is turning more and more to fascism and war, blindly and brutally destroying everything good which had been created in the period of its upward development, it is possible and necessary for us to do everything to get *tens of millions* into organized struggle against these most reactionary manifestations of capitalism. That is the quickest and most direct road to socialism—if the teachings of Marx, Engels, Lenin and Stalin are correct. * * *

"What nonsense it is to think that socialism will come out of the work of an isolated sect to which socialism is a dogma and not a guide to action here and now in the daily struggle against capitalism's worst oppressions! * * * Only the Party of the mass struggle for immediate issues today will become the party of actual socialist construction tomorrow."

(Testimony of William Schneiderman.)

(Defendant's Exhibit C continued.)

Lord Macaulay, in a famous letter written to H. E. Randall of New York on May 25, 1857.

Democracy

"I have long been convinced that institutions purely democratic must, sooner or later, destroy liberty and civilization, or both. If we had a purely democratic government here (England) * * * either the poor would plunder the rich and civilization would perish, or order and property would be saved by a strong military government, and liberty would perish. It is quite plain that your government will never be able to restrain a distressed and discontented majority. For with you the majority is the government and has the rich, who are always a minority, absolutely at its mercy. The day will come when, in the State of New York, a multitude of people, none of whom has had more than half a breakfast, or expects to have more than half a dinner, will choose a legislature. Is it possible to doubt what sort of legislature will be chosen? * * * Either some Caesar or Napoleon will seize the reins of Government with a strong hand, or your Republic will be as fearfully plundered and laid waste by barbarians in the twentieth century as the Roman Empire was in the fifth. * * * Thinking this, of course, I cannot reckon Jefferson among the benefactors of mankind."

(Testimony of William Schneiderman.)
(Defendant's Exhibit C continued.)

Browder,

THE PEOPLE'S FRONT

P. 234

Democracy

"This bold and unequivocal repudiation of Jefferson, the founder of democracy in America, this appeal for the rule of the 'rich who are always a minority,' over the toiling masses of the people, this open appeal for 'some Caesar or Napoleon' who is to 'seize the reins of government with a strong hand' against the majority of the people if that majority attempts to exercise its democratic rights —here is the program of the reactionary bourgeoisie of the U. S. A. * * *"

THE PEOPLE'S FRONT

Revolution, Definition

P. 199

"We have no different definition of revolution than that given to us by Thomas Jefferson.

"Jefferson pointed out that the bloody war of 1776, which was necessary to establish American independence, was not caused by advocacy of force and violence by the patriots of those days but by

(Testimony of William Schneiderman.)

(Defendant's Exhibit C continued)

the determination of a government which was separated from the people to impose its will at all costs. So long as the people can control their government there will be no necessity for a bloody revolution. If the capitalists would submit to the decisions of the American people the change to socialism will be bloodless."

[Endorsed]: Deft's Ex. C. Filed Dec. 12, 1939.

The Witness: The following quotation from the pamphlet, "Stalin-Howard Interview," page 7.

Mr. Andersen: We will offer this in evidence as defendant's exhibit next in order, together with the pamphlet to which reference has been made.

Mr. Hennessy: I do not know on what legal theory an interview between Mr. Howard and Mr. Stalin is admissible; it is purely a statement and not propaganda or a pamphlet issued by the Communist Party to show what their teachings and beliefs are. However, I won't make objection to it. You may enter it.

(Testimony of William Schneiderman.)

(Document marked "Defendant's Exhibit D," together with excerpt.)

Part of

DEFENDANT'S EXHIBIT "D"

STALIN-HOWARD INTERVIEW

P. 7

Revolution Not Exportable

"You see, we Marxists believe that a revolution will also take place in other countries. But it will take place only when the revolutionaries in those countries think it possible, or necessary. The export of revolution is nonsense. Every country will make its own revolution if it wants to, and if it does not want to there will be no revolution. For example, our country wanted to make a revolution and made it, and now we are building a new, classless society. But to assert that we want to make a revolution in other countries, to interfere in their lives, means saying what is untrue, and what we have never advocated."

[Endorsed]: Deft's Ex. D. Filed Dec. 12, 1939.

The Witness: Quotation from "Selected Works of Lenin," Volume VII, page 145.

Mr. Andersen: Before we introduce the next exhibit, the United States District Attorney and I

(Testimony of William Schneiderman.)

have stipulated that we may withdraw the excerpts for the purpose of recopying them in proper legal form and also for the further purpose of furnishing United States Attorney with a copy.

Mr. Hennessy: That is correct.

Mr. Andersen: I offer this volume, "After the Seizure of Power," with the excerpt.

(Document marked "Defendant's Exhibit E," together with excerpt.) [215]

Part of

DEFENDANT'S EXHIBIT "E"

12/12/39—J.A.S.

Lenin,

SELECTED WORKS, VOL. VII

P. 142-3

Restricting Franchise for the Bourgeoisie

"It should be observed that the question of depriving the exploiters of the franchise is PURELY A RUSSIAN QUESTION, and not a question of the dictatorship of the proletariat in general. * * *

"* * * And now it must be said that the question of restricting the franchise is a specifically national question, and not a general question of the dictatorship. One must study the question of restricting the franchise in the light of the SPECIFIC CONDITIONS of the Russian revolution

(Testimony of William Schneiderman.)

(Defendant's Exhibit E continued.)

and the SPECIFIC PATH of its development. This will be done later on in this pamphlet. It would be a mistake, however, to guarantee in advance that the impending proletarian revolutions in Europe will all, or for the most part, be necessarily accompanied by the restriction of the franchise for the bourgeoisie. Perhaps they will. After our experience of the war and of the Russian revolution we can say that it will probably be so; but it is not ABSOLUTELY NECESSARY for the purpose of realising the dictatorship, it is not an ESSENTIAL symptom of the logical concept 'dictatorship,' it does not enter as an ESSENTIAL condition in the historical and class concept 'dictatorship.'

* * * * * * *

"The question in which countries, and in the presence of what special national features of this or that capitalism, democracy for the exploiters will be infringed upon or restricted (wholly or in part) is a question of the special national features of this or that capitalism, of this or that revolution. The theoretical question is an entirely different one, viz., is the dictatorship of the proletariat possible WITHOUT INFRINGING DEMOCRACY for the EXPLOITING class?"

(Testimony of William Schneiderman.)

(Defendant's Exhibit E continued.)

Lenin,

SELECTED WORKS, VOL. VII

P. 161

Disfranchisement of the Bourgeoisie

"As I have already pointed out, the disfranchisement of the bourgeoisie is not necessarily an element of the dictatorship of the proletariat. And in Russia, the Bolsheviks, who long before October advanced the slogan of proletarian dictatorship, did not say anything in advance about disfranchising the exploiters. *This* element of the dictatorship did not make its appearance 'according to the plan' of any particular party it emerged of its own accord in the course of the struggle. Of course, Kautsky, the historian, failed to observe this. He failed to understand that even when the Mensheviks, the advocates of compromise with the bourgeoisie, predominated in the Soviets, the bourgeoisie of its own accord separated itself from the Soviets, boycotted them, put itself up in opposition to them and intrigued against them. The Soviets arose without any constitution and existed for *more than twelve months* (from the spring of 1917 to the summer of 1918) without any constitution. The rage of the bourgeoisie against these independent and omnipotent (because all-embracing) organizations of the oppressed, the unscrupulous self-seeking and despicable fight the bourgeoisie waged against the Soviets; and, lastly,

(Testimony of William Schneiderman.)

(Defendant's Exhibit E continued.)

the overt participation of the bourgeoisie—from the Cadets to the Right Socialist-Revolutionaries, from Milyukov to Kerensky—in the Kornilov mutiny, all *paved the way* for the formal exclusion of the bourgeoisie from the Soviets."

Lenin,

SELECTED WORKS, VOL. VII

P. 125-6

Peaceful Revolution

"Further, was there in the seventies of the last century anything which made England and America an exception *in regard to what we are now discussing?* It will be obvious to anyone familiar with the requirements of science in the domain of historical problems that such a question must be put. To fail to put it is tantamount to falsifying science, to engaging in sophistry. And, the question having been put, there can be no doubt as to the reply: the revolutionary dictatorship of the proletariat is violence against the bourgeoisie; and the necessity for such violence is PARTICULARLY created, as Marx and Engels have repeatedly explained in detail (particularly in *The Civil War in France* and in the preface to it), by the existence of MILITARISM AND BUREAUCRACY. But it is pre-

(Testimony of William Schneiderman.)

(Defendant's Exhibit E continued.)

cisely these institutions that were nonexistent in England and America in the seventies of the nineteenth century, when Marx made his observations (they DO exist in England and in America NOW).

* * * * * * *

"Kautsky, the 'historian,' so shamelessly falsifies history that he forgets the fundamental fact that pre-monopoly capitalism, which reached its zenith in the seventies of the nineteenth century, was, by virtue of its fundamental ECONOMIC traits (which were most typical in England and America) distinguished by its relative attachment to peace and freedom. Imperialism, i.e., monopoly capitalism, which finally matured only in the twentieth century, is, by virtue of its fundamental ECONOMIC traits, distinguished by the least attachment to peace and freedom, and by the greatest and universal development of militarism everywhere. To 'fail to notice' this in discussing the extent to which a peaceful or violent revolution is typical or probable is to stoop to the position of a common or garden lackey of the bourgeoisie."

Lenin,

SELECTED WORKS, VOL. VII

P. 145

Soviets—Russian Form of Proletarian Dictatorship

"The Soviets are the Russian form of the prole-

(Testimony of William Schneiderman.)

(Defendant's Exhibit E continued.)

tarian dictatorship. If a Marxian theoretician, writing on the dictatorship of the proletariat, had seriously set to work to study the subject (and not merely to repeat the petty-bourgeois lamentations over dictatorship, as Kautsky does in repeating the Menshevik melodies) he would first of all have given a general definition of dictatorship, and would then have examined its peculiar national form, the Soviets; he would have given his critique of them as one of the forms of the dictatorship of the proletariat."

The Witness: Chapter I, Article X, of the Constitution of the U. S. S. R.

Mr. Andersen: I offer the excerpt, together with the pamphlet, in evidence.

(Document marked "Defendant's Exhibit F," together with excerpt)

Part of

DEFENDANT'S EXHIBIT "F"

12/12/39—J.A.S.

CONSTITUTION OF THE U.S.S.R.

Chap. I, Art. 10

"The right of personal property of citizens in their income from work and in their savings, and

(Testimony of William Schneiderman.)

in their dwelling houses and auxiliary household economy, their domestic furniture and utensils and objects of personal use and comfort, as well as the right of inheritance of personal property of citizens, are protected by law.

(International Publishers, New York)

The Witness: "Fighting for Peace," by Earl Browder, pages 131 and 132.

Mr. Andersen: Q. Have you the excerpt there?

A. Yes.

Mr. Andersen: We offer the pamphlet and excerpt as Defendant's Exhibit "G."

(Document marked "Defendant's Exhibit "G," together with excerpts therefrom.)

Part of

DEFENDANT'S EXHIBIT "G"

12/12/39—J.A.S.

Force and Violence

Telegram sent to the Chairman of the New York Senate Judiciary Committee at Albany, March 15, 1939 by Earl Browder.

"Today's press carries news of Senator McNaboe's bill which would bar persons believing in overthrow of government by force and violence from holding public office. The McNaboe bill, while it does not apply to the Communist Party which

(Testimony of William Schneiderman.)

(Defendant's Exhibit G—continued)

repudiates any theory of overthrow of democracy, nevertheless has given rise to wide misconceptions and may make necessary a public hearing to clarify the situation. The bill as drafted is clearly unconstitutional and can be used against all civil servants and public officials who take a progressive position on any question. For the information of your committee and your fellow legislators let me state that the Communist Party unreservedly supports American democracy and the American constitution and fights for the maintenance and extension of democracy. Irrespective of what may have been said or may have been written to the contrary, the following is a true statement, in brief, of the Communist position:

"1. The Communist Party opposes the overthrow of American democracy. On the contrary, it supports American democracy and urges the widest possible common front of supporters of democracy in order to maintain it.

"2. The Communist Party does not advocate force and violence. It is not a party of anarchists, terrorists, or conspirators. By no stretch of the imagination does it come under the terms of the criminal anarchy statute or any law patterned after that statute.

"3. The Communist Party is an American Party and is not subject to any foreign control. The Communist Party is an American party from the

(Testimony of William Schneiderman.)

(Defendant's Exhibit G—continued)

ground up. Its policy is based entirely upon American needs and it is absolutely not subject to any decisions except its own conventions and officials elected thereby.

"The Communist Party reminds the Committee that undemocratic legislation like the McNaboe measure can only lead the country along the road to Hitlerism. The McNaboe bills start off ostensibly with the Communists but always wind up, as we see in the tragic case of Austria, with the Schuschniggs, the Miklases, the Catholics, Jews and liberals. You and I and our fellow Americans in the State legislature certainly do not want such developments here.

(Signed) EARL BROWDER
General Secretary, C.P.U.S.A."

Browder,

FIGHTING FOR PEACE

Socialism, Achieve Only With Majority

P. 53

"We of the Communist Party have our own particular views about the necessities of future progress of the United States and of the world. We believe that the final solution of all our problems will require the transfer of our national econ-

(Testimony of William Schneiderman.)

(Defendant's Exhibit G—continued)

omy from private ownership to social ownership and operation for the common benefit of all. We will continue to do our utmost to convince the majority of the American people to that program. But we are keenly aware that a relatively small minority of the population as yet share our views on this fundamental reorganization. We have a long and arduous task of education ahead of us, before we can lead a majority of the American people to the establishment of socialism * * *"

Browder,

FIGHTING FOR PEACE

P. 131-2

"Allow me to categorically state, that we stand one hundred per cent, under all circumstances, for the power of the majority of the people to control the destinies of our country. We of the Communist Party will fight with all our power to defeat, offering our lives if necessary, any and every effort, whether it comes from within or from without, to impose over the American people and nation the will of any selfish minority group or party or clique or conspiracy."

(Testimony of William Schneiderman.)

(Defendant's Exhibit G—continued)

Browder,

FIGHTING FOR PEACE

P. 43-44

Bourgeois Democracy—Limitations of

"We are, of course, keenly aware of the limitations of democracy under the modern capitalist system. This democracy based upon private property in the means of production has even lost much of the strength of its early period, because it has largely lost its economic foundation. Where one hundred and fifty years ago widespread distribution of private property, based upon individual production, was itself something of a guarantee, while it lasted, of the democratic rights and powers of the mass of the people, such private property today has largely disappeared, and has been replaced by giant corporations which occupy all the commanding heights of the national economy. This corporate economy is the antithesis of democracy: its control is the acme of self-perpetuating oligarchy, with the oligarchs constantly diminishing in number, a small fraction of one per cent of the population exercising decisive power over the whole economy upon which the livelihood of all depends.

"So long as the democratic forms of government follow the leadership of the oligarchs of industry, the economic royalists, these forms are tolerated and even defended by them. When, however, as today has clearly shown, there is a conscious split

(Testimony of William Schneiderman.)

(Defendant's Exhibit G—continued)

between the mass of the democratic electorate, and the economic rulers, then as President Roosevelt pointed out in his Constitution Day speech last year, the economic royalists begin to question why they should continue to support a democracy which threatens to curtail their special privileges, and they begin to turn toward fascism. This is the danger of fascism from within our country, that rises simultaneously with the fascist aggression from abroad and develops in conscious collaboration with the foreign fascist powers * * *"

[Endorsed]: Deft's Ex. G. Filed Dec. 12, 1939.

The Witness: "Social and National Security," by Earl Browder, page 37.

Mr. Andersen: We will offer the pamphlet and excerpt as Defendant's Exhibit "H."

(Pamphlet and excerpt marked Defendant's Exhibit H.")

Part of

DEFENDANT'S EXHIBIT "H"

Browder,

SOCIAL AND NATIONAL SECURITY

P. 37

American National Interests

"We are an American Party, composed of American citizens. We view all our problems in the light

(Testimony of William Schneiderman.)

(Defendant's Exhibit H—con ed)

of the National interests of the Unite States. The national interests are not the interests of the pro-fascist circles of monopoly capital, of imperialism; they are the interests of the great majority of the people, the workers, the farmers, and the toiling middle classes, whose labor and efforts and sacrifices have formed our nation and built it into the richest and technically most advanced in the world * * *"

[Endorsed]: Deft's Ex. H. Filed Dec. 12, 1939.

The Witness: "Fighting for Peace," by Earl Browder, page 53.

Mr. Andersen: I will offer the excerpt in evidence as part of Exhibit "G."

The Witness: A telegram sent to the Chairman of the New York Senate Judiciary Committee, at Albany, March 15, 1939, by Earl Browder, from the book, "Fighting for Peace."

Mr. Andersen: I ask that it be offered as part of Defendant's Exhibit "G."

The Witness: Definition of revolution, from the "People's Front," by Earl Browder, page 199.

Mr. Andersen: That will be part of Defendant's Exhibit "C."

The Witness: "Leninism," by Joseph Stalin, Volume 1, page 288.

(Testimony of William Schneiderman.)

Mr. Andersen: We offer the book and excerpt in evidence.

(Document marked "Defendant's Exhibit I," together with excerpt therefrom.) [216]

Part of

DEFENDANT'S EXHIBIT "I"

LENINISM, VOL. I

P. 383-4

Orders From Moscow

"The assertion that the American Communists work under 'orders from Moscow' is absolutely untrue. There are no Communists in the world who would agree to work 'under orders' from outside against their own convictions and will and contrary to the requirements of the situation. Even if there were such Communists they would not be worth a cent. Communists are bold and courageous, they are fighting against a host of enemies. The value of a Communist among other things, lies in that he is able to defend his convictions. Therefore, it is strange to speak of American Communists as not having their own convictions and being capable only of working according to 'orders' from outside.

"The only part of the labor leaders' assertion that has any truth in it at all is that the American Communists are affiliated to an international Communist organization and from time to time consult with the central body of this organization on one question

(Testimony of William Schneiderman.)

(Defendant's Exhibit I—continued)

or another. But what is there bad in this? Are the American labor leaders opposed to an international workers' center? It is true they are not affiliated to Amsterdam, not because they are opposed to an international workers' center as such, however, but because they regard Amsterdam as being too radical. (The A.F. of L. has since affiliated)

"Why may the capitalists organize internationally and the working class, or part of it, not have its international organization? Is it not clear that Green and his friends in the American Federation of Labor slander the American Communists when they slavishly repeat the capitalist legends about 'orders from Moscow'?"

An Interview with Stalin by the American Trade Union Delegation, 1927.

COLLECTED WORKS, RUSSIAN EDITION

Vol. XXIV—P. 508

Dictatorship of the Proletariat

"In Russia, the dictatorship of the proletariat must inevitably differ in certain special features from that in the advanced countries, by reason of the very great backwardness and petty-bourgeois character of our country. But the basic forces and the basic forms of social economy are just the same

(Testimony of William Schneiderman.)

(Defendant's Exhibit I—continued)

in Russia as in any capitalist country, so that THESE SPECIAL FEATURES CANNOT AFFECT THE MAIN POINT."

LENINISM,

Joseph Stalin

Vol. I—P. 288

Dictatorship of the Proletariat—Not Dictatorship of the Party

"Can the Party impose its leadership on the class by force? No, it cannot. At all events SUCH a leadership cannot be to any degree lasting. If the Party wishes to remain the party of the proletariat, it must know that it is, above all and mainly, the GUIDE, the LEADER, the TEACHER of the working class. We must not forget what Lenin said in this connection in his pamphlet STATE AND REVOLUTION:

" 'By educating a workers' party, Marxism educates the vanguard of the proletariat, capable of assuming power and of leading the whole people to socialism, of directing and organizing the new order, of being the TEACHER, GUIDE AND LEADER of all the toiling and exploited in the task of building up their social life without the bourgeoisie and against the bourgeoisie.' "

(Testimony of William Schneiderman.)

(Defendant's Exhibit I—continued)

(Collected Works, Vol. XXI, Book II, pp. 169-170. Also State and Revolution, Little Lenin Library, end of chap. 2, part 1.)

LENINISM,

Joseph Stalin

Vol. I—P. 282-283

Dictatorship of the Proletariat—Not Dictatorship of the Party

"Fifthly, the concept of the dictatorship of the proletariat is a concept of the state. The dictatorship of the proletariat must necessarily include the concept of violence. There is no dictatorship without violence if dictatorship is to be understood in the strict sense of the term. Lenin defines the dictatorship of the proletariat as "power based directly on violence". (Collected Works, Russian edition, Vol. XIX, p. 315). Hence, to talk of the dictatorship of the Party as applying to the proletarian class, and to identify it with the dictatorship of the proletariat, is tantamount to saying that in relation to its own class, the Party must be not only a guide, not only a leader and teacher, but must also be a sort of state power employing violence against it. Consequently, anyone who identifies the 'dictatorship of the Party' with the dictatorship

(Testimony of William Schneiderman.)

(Defendant's Exhibit I—continued)

of the proletariat tacitly starts out from the proposition that the prestige of the Party can be built up on violence, which is absurd and absolutely incompatible with Leninism. The prestige of the Party is sustained by the confidence of the working class. The confidence of the working class is gained not by violence—violence only kills it—but by the Party's correct theory, by the Party's correct policy, by the Party's devotion to the working class, by its contact with the masses of the working class, by its readiness and its ability to CONVINCE the masses of the correctness of its slogans."

LENINISM,

Joseph Stalin

Vol. I Pp. 108-9

Dictatorship of the Proletariat

"The dictatorship of the proletariat is not simply the governing upper stratum 'cleverly selected' by the careful hand of an 'experienced strategist' and 'sensibly relying' on the support of one section or another of the population. The dictatorship of the proletariat is a class alliance between the proletariat and the toiling masses of the peasantry, for the purpose of overthrowing capital, for bringing about the final victory of socialism, an alliance based on the condition that its leading force is the proletariat."

(Testimony of William Schneiderman.)

(Defendant's Exhibit I—continued)

LENINISM,

Joseph Stalin

Vol. I, P. 285-286

Dictatorship of the Proletariat—Not Dictatorship of the Party

"1) The prestige of the Party and the iron discipline of the working class indispensable for the dictatorship of the proletariat are built up not on fear, nor on the 'unrestricted' rights of the Party, but upon the confidence of the working class in the Party and on the support which the Party receives from the working class.

"2) Confidence of the working class in the Party is not attained at one stroke, and not through the medium of violence directed against the working class, but by the Party's prolonged work among the masses, by a correct Party policy, by the ability of the Party to convince the masses through their own experience of the correctness of its policy, and by the ability of the Party to gain the support of the working class and to induce the masses of the working class to follow its lead.

"3) Without a correct Party policy, strengthened by the experience of the struggle of the masses, and without the confidence of the working class, there is not and there cannot be real Party leadership.

"4) If the Party and the Party leadership enjoy the confidence of the class, and if this leader-

(Testimony of William Schneiderman.)

(Defendant's Exhibit I—continued)

ship is a real leadership, they cannot be contrasted with the dictatorship of the proletariat, because without the leadership of the Party (the 'Dictatorship' of the Party) enjoying the confidence of the working class, a dictatorship of the proletariat that would be at all firm is impossible.

"Without these conditions 'prestige of the Party' and 'iron discipline' are empty phrases, and idle boast and a swindle."

[Endorsed]: Deft's Ex. "I". Filed Dec. 12, 1939.

The Witness: From the same Volume I, "Leninism," by Joseph Stalin, pages 383 and 384.

Mr. Andersen: I offer the further excerpts as part of exhibit "I."

The Witness: From the "Class Struggles in France," by Karl Marx, page 25.

Mr. Andersen: We offer the excerpt and the volume as Defendant's Exhibit J."

(Document and excerpt marked "Defendant's Exhibit J.")

(Testimony of William Schneiderman.)

Part of

DEFENDANT'S EXHIBIT "J"

12/12/39—J. A. S.

Marx,

THE CLASS STRUGGLES IN FRANCE

(Introduction by Engels)

Pp. 29-30

Revolt of the Christians

"It is now, almost to the year, sixteen hundred years since a dangerous party of revolt made a great commotion in the Roman Empire. It undermined religion and all the foundations of the state; it flatly denied that Caesar's will was the supreme law; it was without a fatherland, international; it spread over all countries of the Empire from Gaul to Asia, and beyond the frontiers of the Empire. It had long carried on an underground agitation in secret; for a considerable time, however, it had felt itself strong enough to come out into the open. This party of revolt, who were known by the name of christians, was also strongly represented in the army; whole legions were christian. When they were ordered to attend the sacrificial ceremonies of the pagan established church, in order to do the honours there, the soldier rebels had the audacity to stick peculiar emblems—crosses—on their helmets in protest. Even the wonted barrack cruelties

(Testimony of William Schneiderman.)

(Defendant's Exhibit J—continued.)

of their superior officers were fruitless. The Emperor, Diocletian, could no longer quietly look on while order, obedience and discipline in his army were being undermined. He intervened energetically, while there was still time. He passed an anti-Socalist, I should say, anti-christian, law. The meetings of the rebels were forbidden, their meeting halls were closed or even pulled down, the christian badges, crosses, etc., were like the red handkerchiefs in Saxony, prohibited. Christians were declared incapable of holding offices in the state, they were not to be allowed even to become corporals. Since there were not available at that time judges so well trained in 'respect of persons' as Herr von Köller's anti-revolt bill assumes, the christians were forbidden out of hand to seek justice before a court. This exceptional law was also without effect. The christians tore it down from the walls with scorn; they are even supposed to have burnt the Emperor's palace in Nicomedia over his head. Then the latter revenged himself by the great persecution of christians in the year 303, according to our chronology. It was the last of its kind. And it was so effective that seventeen years later the army consisted overwhelmingly of christians, and the succeeding autocrat of the whole Roman Empire, Constantine, called the Great by the priests, proclaimed christianity as the state religion."

(Testimony of William Schneiderman.)
(Defendant's Exhibit J—continued.)

Marx,

THE CLASS STRUGGLES IN FRANCE

(Introduction by Engels)

P. 25

Revolution—Task of the Majority

"The time of surprise attacks, of revolutions carried through by small conscious minorities at the head of unconscious masses, is past. Where it is a question of a complete transformation of the social organization, the masses themselves must also be in it, must themselves already have grasped what is at stake, what they are going in for *(with body and soul)*. The history of the last fifty years has taught us that. But in order that the masses may understand what is to be done, long, persistent work is required, and it is just this work which we are now pursuing, and with a success which drives the enemy to despair."

[Note: All italics in this exhibit are by the author.]

[Endorsed]: Deft's Ex. J. Filed Dec. 12, 1939.

The Witness: From Volume I of "Leninism," pages 283, 285 and 286.

Mr. Andersen: That will be offered as part of Defendant's Exhibit "I."

The Witness: From "The Russian Revolution," by Lenin and Stalin, page 110.

(Testimony of William Schneiderman.)

Mr. Andersen: We offer the book and the excerpt as Defendant's Exhibit "K."

(Book and excerpt were marked "Defendant's Exhibit K.")

Part of

DEFENDANT'S EXHIBIT "K"

12/12/39—J. A. S.

Lenin & Stalin,

THE RUSSIAN REVOLUTION

P. 110 .

Democracy—The Will of Majority Bourgeois Republic Conflicts with the Will of Majority

"Certain definite and concrete conditions are required to make it really possible for the majority in the state to decide. It requires, first, the establishment of a state system, of a form of state power, which would permit the possibility of deciding matters by a majority, and which would guarantee this possibility actually being realised. Secondly, it requires that this majority, by its class composition, by the interrelation of classes inside (and outside) this majority, should be able to draw the chariot of state harmoniously and effectively. Every Marxist knows that these two concrete conditions are of decisive importance in the question of a majority of the people and of the direction of state affairs in accordance with the will of the majority * * *."

(Testimony of William Schneiderman.)

(Defendant's Exhibit "K"—continued.)

"If the political power in the state is in the hands of a class the interests of which coincide with the interests of the majority, the administration of that state in accordance with the real will of the majority will be possible.

"If, however, the political power is in the hands of a class the interests of which differ from the interests of the majority, any form of majority rule is bound to lead to the duping or suppression of the majority. Every bourgeois republic provides hundreds and thousands of examples of this kind. In Russia the bourgeoisie rules both economically and politically. Its interests, particularly during the imperialist war, are in violent conflict with the interests of the majority. Hence, from a materialist and Marxist, and not from a formal and juridical standpoint, the whole point is to expose this conflict, and to endeavor to prevent the masses from being duped by the bourgeoisie."

[Endorsed]: Deft's Ex. K. Filed Dec. 12, 1939.

The Witness: From "A Letter to American Workers," by Lenin, pages 16 and 17.

Mr. Andersen: I will offer the pamphlet and excerpt as Defendant's Exhibit "L."

(Pamphlet and excerpt marked "Defendant's Exhibit L.")

(Testimony of William Schneiderman.)

Part of

DEFENDANT'S EXHIBIT "L"

LETTER TO AMERICAN WORKERS

Revolutionary Traditions—And Today

"The American people has a revolutionary tradition adopted by the best representatives of the American proletariat, who gave repeated expression to their full solidarity with us, the Bolsheviks. This tradition is the war of liberation against the English in the 18th and the Civil War in the 19th century. If we are to take only into consideration the 'destruction' of some branches of industry and national economy, America in 1870 was in some respects *behind* 1860. But what a pedant, what an idiot is he who denies on such grounds the greatest, world-historic, progressive and revolutionary significance of the American Civil War of 1861-1865!"

"Representatives of the bourgeoisie understand that it was worth letting the country go through long years of civil war, the abysmal ruin, destruction and terror which are connected with every war for the sake of the overthrow of Negro slavery and the overthrow of the rule of slave-owners."

[Note: All italics in this exhibit are by the author.]

[Endorsed]: Deft's Ex. "L". Filed Dec. 12, 1939.

The Witness: From the "History of the Communist Manifesto of Marx and Engels," page 3.

(Testimony of William Schneiderman.)

Mr. Andersen: I offer the book and the excerpt in evidence.

(Book and excerpt marked "Defendant's Exhibit M.")

Part of

DEFENDANT'S EXHIBIT "M"

Adoratsky,

THE HISTORY OF THE COMMUNIST MANIFESTO

Basis for Communist Manifesto

Pp. 3-9

"The Manifesto of the Communist Party (the Communist Manifesto) saw the light of day shortly before the February revolution of 1848. In this brilliant work written ninety years ago—seventy years before the victory won in 1917 by the great socialist revolution—Marx and Engels announced the oncoming proletarian revolution, gave strictly scientific grounds for its historic necessity, and foretold the inevitable downfall of the bourgeoisie and the victory of the proletariat."

"The theoretical conclusions of the Communists are in no way based on ideas or principles that have been invented, or discovered, by this or that would-be universal reformer.

" 'They merely express, in general terms, actual relations springing from an existing class struggle, from a historical movement going on under our very eyes.' " (Marx Selected Works, Vol. I, p. 219)

[Endorsed]: Deft's Ex. M. Filed Dec. 12, 1939.

(Testimony of William Schneiderman.)

The Witness: From "The Selected Works of Lenin," Volume VI, pages 29, 33 to 93, 321 and 322.

Mr. Andersen: I offer the volume and the excerpts in evidence.

(Book and excerpts marked "Defendant's Exhibit N.") [217]

Part of

DEFENDANT'S EXHIBIT "N"

Lenin,

SELECTED WORKS, VOL. VI

Win Majority—Revolution

Definition of Revolution

Pp. 29-33

"In order to obtain the power of state the class conscious workers must win the majority to their side. *As long as* no violence is used against the masses, there is no other road to power. We are not Blanquists, we are not in favor of the seizure of power by a minority."

"The transfer of state power from one class to another *class* is the first, the principal, the basic sign of a *revolution,* both in the strictly scientific and in the practical political meaning of the term."

[Note: All italics in this exhibit are by the author.]

(Testimony of William Schneiderman.)

(Defendant's Exhibit N—continued.)

Lenin,

SELECTED WORKS, VOL. VI

Revolution—Majority

P. 293

"If a revolutionary party has not a majority among the front ranks of the revolutionary classes and in the country generally, there can be no question of insurrection. Furthermore, insurrection requires: 1) that the revolution shall have assumed a national scale; 2) that the old government, for instance the 'coalition' government, shall have reached a stage of complete moral and political bankruptcy; 3) that all the intermediate elements, i. e., those who do *not* fully support the government, although they fully supported it yesterday, shall have reached an extreme state of vacillation."

Pp. 321-2

"Marxism is an extremely profound and many-sided doctrine. It is, therefore, not surprising that *scraps* of quotations from Marx—especially when the quotations are *not* to the point—can always be found among the 'arguments' of those who are breaking with Marxism. A military conspiracy is Blanquism *if* it is not organized by the party of a definite class; *if* its organizers have not reckoned with the political situation in general and the international situation in particular; *if* the party in question does not enjoy the sympathy of the ma-

(Testimony of William Schneiderman.)

(Defendant's Exhibit N—continued.)

jority of the people, as proved by definite facts; *if* the development of events in the revolution has not led to the virtual dissipation of the illusions of compromise entertained by the petty bourgeoisie; *if* the majority of the organs of the revolutionary struggle which are recognized to be 'authoritative' or have otherwise established themselves, such as the Soviets, have not been won over; *if* in the army (in time of war) sentiments hostile to a government which drags out an unjust war against the will of the people have not become fully matured; *if* the slogans of the insurrection (such as 'All power to the Soviets,' 'Land to the peasants,' 'Immediate proposal of a democratic peace to all the belligerent peoples, coupled with the immediate abrogation of all secret treaties and secret diplomacy,' etc.) have not acquired the widest renown and popularity; *if* the advanced workers are not convinced of the desperate situation of the masses and of the support of the countryside, as demonstrated by an energetic peasant movement, or by a revolt against the landlords and against the government that defends the landlords; *if* the economic situation in the country offers any real hope of a favorable solution of the crisis by peaceful and parliamentary means."

[Endorsed]: Deft's Ex. N. Filed Dec. 12, 1939.

(Testimony of William Schneiderman.)

The Witness: From "The Bourgeois to the Proletarian Revolution," by Lenin, with excerpts.

From "The People's Front," by Browder, at pages 148 and 149.

Mr. Andersen: I will offer the excerpt as part of Exhibit "C."

The Witness: From the "Class Struggles in France," pages 29 and 30.

Mr. Andersen: I will offer this excerpt as part of Exhibit "J."

The Witness: "Class Struggles in France," "Leninism," Volume I, pages 108 and '9.

Mr. Andersen: I offer that as part of Defendant's Exhibit "I."

The Witness: From the "Selected Works of Lenin," Volume V, page 174.

Mr. Andersen: I will offer this volume, with the excerpt, as Defendant's Exhibit "O."

(Document, "Imperialism and Imperialist War," with the excerpt, was marked "Defendant's Exhibit O.")

Part of

DEFENDANT'S EXHIBIT "O"

Lenin,

SELECTED WORKS, VOL. V

P. 174

Revolutionary Situation

"A Marxist cannot have any doubt that a revolution is impossible without a revolutionary situa-

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[Note: All italics in this exhibit are by the author.]

(Testimony of William Schneiderman.)

(Defendant's Exhibit O—continued.)

tion; furthermore, not every revolutionary situation leads to revolution. What, generally speaking, are the symptoms of a revolutionary situation? We shall certainly not be mistaken if we point to the following three main symptoms: 1) when it is impossible for the ruling classes to maintain their rule in an unchanged form; when there is a crisis, in one form or another, among the 'upper classes,' a crisis in the policy of the ruling class which causes fissures, through which the discontent and indignation of the oppressed classes burst forth. Usually, for a revolution to break out it is not enough for the 'lower classes to refuse' to live in the old way; it is necessary also that the 'upper classes should be unable' to live in the old way; 2) when the want and suffering of the oppressed classes have become more acute than usual; 3) when, as a consequence of the above causes, there is a considerable increase in the activity of the masses, who in 'peace time' quietly allow themselves to be robbed, but who in turbulent times are drawn both by the circumstances of the crisis and by the 'upper classes' themselves into independent historical action.

"Without these objective changes, which are not only independent of the will of separate groups and parties, but even of separate classes, a revolution, as a general rule, is impossible. The sum total of all these objective changes is called a revolutionary situation * * *"

(Testimony of William Schneiderman.)

(Defendant's Exhibit O—continued.)

"* * * not every revolutionary situation gives rise to revolution; revolution arises only out of such a situation when, to the above-mentioned objective changes, a subjective change is added, namely, the ability of the revolutionary *class* to carry out revolutionary mass actions *strong* enough to break (or to undermine) the old government, which never, not even in a period of crisis, 'falls,' if it is not 'dropped'."

Lenin,

SELECTED WORKS, VOL. V

P. 303-4

Revolution—The Action of the People—

Not a 'Putsch'

"The term 'putsch', in the scientific sense of the word, may be employed only when the attempt at insurrection has revealed nothing but a circle of conspirators or stupid maniacs, and has aroused no sympathy among the masses. The century-old Irish national movement, having passed through various stages and combinations of class interests, expressed itself, *inter alia*, in a mass Irish National Congress in America * * * which passed a resolution calling for Irish independence—it expressed itself in street fighting conducted by a section of the urban petty-bourgeoisie and a *section of the workers* after a long preiod of mass agitation, demonstra-

(Testimony of William Schneiderman.)

(Defendant's Exhibit O—continued.)

tions, suppression of papers, etc. Whoever calls *such* an uprising a 'putsch' is either a hardened reactionary, or a doctrinaire hopelessly incapable of picturing to himself a social revolution as a living phenomenon.

"To imagine that social revolution is *conceivable* without revolts by small nations in the colonies and in Europe, without the revolutionary outbursts of a section of the petty bourgeoisie *with all its prejudices,* without the movement of non-class conscious proletarian and semi-proletarian masses against the oppression of the landlords, the church, the monarchy, the foreign nations, etc.—to imagine that means *repudiating social* revolution. Only those who imagine that in one place an army will line up and say, 'we are for socialism' and in another place another army will say, 'we are for imperialism,' and that this will be the social revolution, only those who hold such a ridiculously pedantic opinion, could villify the Irish Rebellion by calling it a 'putsch'.

"Whoever expects a 'pure' social revolution will *never* live to see it. Such a person pays lip service to revolution without understanding what revolution is.

"The Russian Revolution of 1905 was a bourgeois-democratic revolution. It consisted of a series of battles in which all the discontented classes, groups and elements of the population participated. Among these there were masses imbued with the

(Testimony of William Schneiderman.)

(Defendant's Exhibit O—continued.)

crudest prejudices, with the vaguest and most fantastic aims of struggle; there were small groups which accepted Japanese money, there were speculators and adventurers, etc. *Objectively,* the mass movement broke the back of tsarism and paved the way for democracy; for that reason the class conscious workers led it.

"The socialist revolution in Europe *cannot be anything else* than an outburst of mass struggle on the part of all and sundry of the oppressed and discontented elements. Sections of the petty bourgeoisie and of the backward workers will inevitably participate in it—without such participation, *mass* struggle is *impossible,* without it *no* revolution is possible—and just as inevitably will they bring into the movement their prejudices, their reactionary fantasies, their weaknesses and errors. But *objectively* they will attack *capital,* and the class conscious vanguard of the revolution, the advanced proletariat, expressing this objective truth of a heterogeneous and discordant, motley and outwardly incohesive, mass struggle, will be able to unite and direct it, to capture power, to seize the banks, to expropriate the trusts (hated by all, though for different reasons) and introduce other dictatorial measures which in their totality will amount to the overthrow of the bourgeoisie and the victory of socialism, which, however, will by no means immediately 'purge' itself of petty-bourgeois slag."

[Endorsed]: Deft's Ex. O. Filed Dec. 12, 1939.

(Testimony of William Schneiderman.)

The Witness: From the same book, pages 303 and 304.

Mr. Andersen: I will offer it as a part of Defendant's Exhibit "O."

The Witness: Volume VII, from "Lenin's Selected Works," pages 125 and 126.

Mr. Andersen: I will introduce that as part of Exhibit "E."

The Witness: The same works, at pages 142 and 143, and page 161.

Mr. Andersen: I will offer those as part of Defendant's Exhibit "E."

The Witness: From "The People's Front," by Earl Browder, at page 334.

Mr. Andersen: I offer that as a further portion of Defendant's [218] Exhibit "C."

The Witness: From the pamphlet, "Lenin Speaks to the Youth."

Mr. Andersen: I will offer the pamphlet and excerpt as Defendant's Exhibit "P".

(Document and excerpt marked "Defendant's Exhibit P.")

Part of

DEFENDANT'S EXHIBIT "P"

LENIN SPEAKS TO THE YOUTH

P. 18

What Is a Communist—What Is Communism?

"We call ourselves Communists. What is a Communist? The word Communist is a Latin word

(Testimony of William Schneiderman.)

(Defendant's Exhibit "P"—continued.)

derived from the word 'common'. Communist society is a society in which all things—the land, the factories—are owned in common. Communism means working in common."

[Endorsed]: Def't's Ex. "P". Filed Dec. 12, 1939.

The Witness: From "Fighting for Peace," by Earl Browder, pages 33 and 34.

Mr. Andersen: I offer those excerpts as part of Defendant's Exhibit "G."

The Witness: I want to also offer two quotations here which are not official documents of the Communist Party. They are the testimony of experts at the hearing on the deportation of Harry Bridges, by Professor Harold Chapman Brown, Dean of Philosophy at Stanford University, and Professor Walter Thompson, Instructor in Political Science at Stanford University. They are recognized authorities on interpreting Marxism and Communist theories for students; and, although they are not in any way connected with the Communist Party, we recognize their interpretation of the Communist theory as authority.

Mr. Hennessy: The statements, as I understand it, are simply the written papers prepared by each of the professors when they appeared at the Bridges hearing and not their entire testimony?

The Witness: That is right.

(Testimony of William Schneiderman.)

Mr. Hennessy: I am willing to stipulate that the statements, the direct and cross-examination and redirect examination, given at the Bridges hearing by each of those professors, may be made a part of the record in this case. I would like to have the cross-examination also included, as long as a part of the record is put in.

Mr. Andersen: I have not read the cross-examination or any further examination that may have been made. [219]

The Court: Under the rule, he is entitled, if part goes in, to have it go in in its entirety.

Mr. Andersen: I have no objection.

Mr. Hennessy: I will have the entire record——

Mr. Andersen: I have no objection to the entire record.

Mr. Hennessy: We can have it prepared and hand it to the reporter, so he can copy it right in the record in the proper way.

Mr. Andersen: I have no objection to it at all,—the entire record of the testimony, direct and cross-examination of Professors Harold Chapman Brown and Walter Thompson.

Mr. Hennessy: That will go in, then.

Mr. Andersen: I will offer at this time the statement of Professor Harold Chapman Brown, as defendant's exhibit next in order.

(The document was marked "Defendant's Exhibit Q.")